

MEAT INDUSTRY (AMENDMENT) ACT, 1983, No. 49

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 49, 1983.

An Act to amend the Meat Industry Act, 1978, to make provision for meat inspection to be carried out by the Commonwealth, to provide for the regulation of knackereries, to increase penalties, and for other purposes. [Assented to, 4th May, 1983.]

Meat Industry (Amendment).

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:—

Short title.

1. This Act may be cited as the "Meat Industry (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–4, commence on the day on which that provision commences.

(3) The several provisions of Schedules 2, 3 and 4 (8) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Meat Industry Act, 1978, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION BY THE COMMONWEALTH.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF KNACKERIES.

Meat Industry (Amendment).

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO PENALTIES.

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 54, 1978.

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION BY THE COMMONWEALTH.

(1) (a) Section 3, matter relating to Part III—

Omit "43" where firstly occurring, insert instead "43B".

(b) Section 3—

After the matter relating to Division 4 of Part III, insert:—

DIVISION 5.—*Meat Inspection by the Commonwealth*—ss. 43A, 43B.

(2) Section 18 (3)—

After section 18 (2), insert:—

(3) Nothing in subsection (1) or (2) prevents a person from performing a function of a meat inspector under this Act in accordance with an arrangement referred to in section 43A.

Meat Industry (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION
BY THE COMMONWEALTH—*continued.*

(3) Part III, Division 5—

After Division 4, insert:—

DIVISION 5.—*Meat Inspection by the Commonwealth.*

Arrangement for Commonwealth to perform meat inspection.

43A. (1) The Minister may, on behalf of the State, enter into an arrangement with a person or persons on behalf of the Commonwealth with respect to the inspection of meat pursuant to this Act and the regulations.

(2) Without limiting the generality of subsection (1), an arrangement referred to in subsection (1) may make provision for or in relation to—

- (a) the employment under an Act of the Parliament of the Commonwealth of persons who have been employed in the administration of this Act;
- (b) the acceptance and undertaking by the Government of the Commonwealth of employer functions under a superannuation scheme, fund or arrangement to which persons employed as referred to in paragraph (a) may be permitted to continue to contribute;
- (c) the exercise by a person or persons on behalf of the Government of the Commonwealth of the power to demand and receive fees as referred to in section 27 and the retention or application of those fees by the Commonwealth;
- (d) the performance by a person or persons of functions conferred or imposed by or under this Act on—
 - (i) a meat inspector;
 - (ii) the chief meat inspector; or
 - (iii) any other person in relation to meat inspectors or the inspection of meat;

Meat Industry (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION
BY THE COMMONWEALTH—*continued.*

- (e) whether functions which may be performed by a person or persons in accordance with the arrangement may be performed pursuant to this Act or the regulations by any other person or persons and, if so, the conditions or limitations (if any) subject to which they may be performed;
- (f) the payment of sums for penalties paid in respect of any conviction for any offence against this Act or the regulations where the prosecution in relation to the offence is brought by, or by an officer of, the Commonwealth; and
- (g) any other matter incidental to or relating to the performance of a function referred to in the arrangement or any other matter for or in relation to which provision may be made in the arrangement.

(3) An arrangement referred to in subsection (1) shall have effect according to its tenor and, to the extent, if any, to which the effect of any such agreement is inconsistent with any law, that law shall be deemed to be amended so as to allow the agreement to have effect.

Superannuation arrangements on transfer of meat inspection functions.

43B. (1) In this section—

“Commonwealth superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act of the Parliament of the Commonwealth;

“designated position”, in relation to a person, means a position designated by the Governor pursuant to subsection (2) either generally or in relation to the person;

“State superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act of the Parliament of New South Wales;

Meat Industry (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION
BY THE COMMONWEALTH—*continued.*

“Superannuation Board”, in relation to a State superannuation scheme, means the body constituted by, or appointed under, the Act by or under which the scheme is established for the purposes of administering that scheme.

(2) The Governor may, on the recommendation of a Minister administering an Act by or under which a State superannuation scheme is established, by order published in the Gazette—

- (a) designate positions in which a person is or may be employed under an Act of the Parliament of the Commonwealth in the performance of meat inspection or any other function in relation to the meat industry; and
- (b) designate, in relation to a person who has been employed in a position referred to in paragraph (a), any other position in which a person is or may be employed under an Act of the Parliament of the Commonwealth.

(3) Subject to subsection (4), where a person who becomes employed under an Act of the Parliament of the Commonwealth pursuant to an arrangement referred to in section 43A—

- (a) was, immediately before becoming so employed—
 - (i) a contributor to a State superannuation scheme; or
 - (ii) a person to whom the provisions of an Act by or under which a State superannuation scheme is established apply but who has, for any reason (other than his not having made an election to become such a contributor), not become a contributor to the superannuation scheme; and
- (b) has elected within such period as may be determined by the Superannuation Board not to become a contributor to a Commonwealth superannuation scheme,

Meat Industry (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION
BY THE COMMONWEALTH—*continued.*

he—

- (c) may continue to contribute to the State superannuation scheme or, in accordance with the terms of a State Superannuation scheme, may become a contributor to the State superannuation scheme; and
- (d) shall, if he was a contributor to the State superannuation scheme, retain any rights accrued or accruing to him as such a contributor,

as if he had continued to be employed by the Government of New South Wales while he remains employed under an Act of the Parliament of the Commonwealth in a designated position, and—

- (e) his service as an employee under an Act of the Parliament of the Commonwealth in a designated position shall be deemed to be service with the Government of New South Wales for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute or becomes a contributor; and
- (f) he shall be deemed to be employed by the Government of New South Wales for the purposes of any superannuation scheme to which, by the operation of this subsection, he is or becomes entitled to contribute.

(4) A person who, but for this subsection, would be entitled under subsection (3) to contribute to a State superannuation scheme shall not be so entitled upon his becoming a contributor to a Commonwealth superannuation scheme and the provisions of subsection (3) (f) cease to apply to or in respect of him in any case where he becomes a contributor to a Commonwealth superannuation scheme.

(5) Subsection (4) does not prevent the payment to a person who becomes employed under an Act of the Parliament of the Commonwealth, upon his ceasing to be a contributor to a State superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be a contributor.

Meat Industry (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO MEAT INSPECTION
BY THE COMMONWEALTH—*continued.*

(6) A person who, by reason of retiring from a position in which he was employed in the administration of this Act, is receiving a superannuation allowance or other benefit in accordance with a State superannuation scheme and who becomes employed in a designated position shall—

- (a) for the purposes of this section, be deemed to have become so employed pursuant to an arrangement referred to in section 43A and to have been, immediately before becoming so employed, a contributor to the State superannuation scheme; and
- (b) for the purposes of the cancellation or suspension of any superannuation allowance or other benefit in accordance with the Act by or under which the State superannuation scheme is established, be deemed, on so becoming employed in a designated position, to have become employed by the Government of New South Wales.

(7) A person is not entitled, under this Act, to claim a benefit in respect of a period of service in respect of which he has claimed a benefit under another Act (whether an Act of the Parliament of this State or of the Commonwealth).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES.

- (1) (a) Section 4 (1), definition of “abattoir meat”—

Omit the definition, insert instead:—

“abattoir meat” means meat that is from an abattoir animal and that is intended for human consumption;

Meat Industry (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

- (b) Section 4 (1), definition of “animal food processing plant”—

After “slaughter-house,” insert “knackery.”

- (c) Section 4 (1), definitions of “knackery”, “knackery animal”,
“knackery meat”—

After the definition of “inspector”, insert:—

“knackery” means premises used or intended to be used for or in connection with the slaughtering of knackery animals for use as animal food, or for or in connection with the destruction of animals, and includes holding yards and like places and buildings used or intended to be used in or in connection with the slaughtering, destruction, handling, drafting or keeping of any such animals at any premises so used or intended to be used;

“knackery animal” means horse, donkey, kangaroo, buffalo, deer, bull, ox, steer, cow, heifer, calf, ram, ewe, wether, lamb, goat, kid and swine, and includes any other animal or any bird or fish that the Minister, by order published in the Gazette, declares to be a knackery animal for the purposes of this Act;

“knackery meat” means meat that is from a knackery animal and that is intended for use as animal food;

- (d) Section 4 (1), definition of “pet food van”—

After the definition of “perform”, insert:—

“pet food van” means any vehicle used for the conveyance of meat intended for use as animal food;

- (2) (a) Section 9 (f)—

Omit “and”.

Meat Industry (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

- (b) Section 9 (g), (h), (i)—
Omit section 9 (g), insert instead:—
(g) knackery licences;
(h) animal food processing licences; and
(i) pet food van licences.
- (3) (a) Section 10 (1) (e)—
Omit “or”.
- (b) Section 10 (1) (f), (g), (h)—
Omit section 10 (1) (f), insert instead:—
(f) a knackery at or in any premises unless he is the holder of a knackery licence in respect of those premises;
(g) 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; or
(h) a pet food van in the course of carrying on any business unless he is the holder of a pet food van licence in respect of that pet food van.
- (4) (a) Section 11 (4)—
After “Meat Industry Authority Act, 1970,” insert “the Noxious Trades Act, 1902,”.
- (b) Section 11 (4) (c)—
After “a meat processing plant”, insert “, a knackery”.

Meat Industry (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

(5) Section 11A (5)—

After “Meat Industry Authority Act, 1970,” insert “the Noxious
Trades Act, 1902,”.

(6) Sections 15 (1), 19 (3)—

Omit “abattoir” wherever occurring.

(7) (a) Section 21 (1)—

Omit “or slaughter-house” wherever occurring, insert instead
“, slaughter-house or knackery”.

(b) Section 21 (2)—

Omit “or animal food processing plant”, insert instead “, animal
food processing plant or pet food van”.

(8) Sections 22A, 22B—

After section 22, insert:—

Slaughtering at knackeries.

22A. (1) A person shall not slaughter any animal at a knackery,
other than a knackery animal.

Penalty: In the case of a first offence, \$10,000 and, in the case of
a second or subsequent offence, \$50,000 or imprisonment for 2 years,
or both.

Meat Industry (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

(2) A person shall not slaughter a knackery animal at a knackery except with the approval of a meat inspector.

Penalty: In the case of a first offence, \$10,000 and, in the case of a second or subsequent offence, \$50,000 or imprisonment for 2 years, or both.

(3) Where a meat inspector approves of the slaughter of a knackery animal at a knackery, he shall inspect the carcass and shall, if he is satisfied that the carcass or any part of the carcass is fit for use as animal food, pass the carcass or part as fit for use as animal food.

Destruction of animals at knackeries.

22B. (1) A person shall not destroy an animal at a knackery except with the approval of a meat inspector.

(2) A meat inspector may, at any knackery, give such directions as he thinks proper with respect to the destruction of animals and the disposal of animals which have died or have been destroyed.

(3) A person to whom a direction referred to in subsection (2) is given shall comply with the direction.

Penalty: In the case of a first offence, \$10,000 and, in the case of a second or subsequent offence, \$50,000 or imprisonment for 2 years, or both.

(9) Section 26 (1)—

After “abattoir animal”, insert “, any knackery animal”.

Meat Industry (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

(10) (a) Section 27 (1)—

Omit “or slaughter-house” wherever occurring, insert instead
“, slaughter-house or knackery”.

(b) Section 27 (1) (a)—

After “22 (3)”, insert “or 22A (3)”.

(11) Section 35 (a) (ii)—

Omit “abattoir”.

(12) Section 41 (1A)—

After section 41 (1), insert:—

(1A) Except in such circumstances, if any, as may be prescribed,
a person shall not sell meat for use as animal food or as an ingredient
of processed animal food unless—

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

(b) it or the carcass from which it came was brought into the
State in accordance with section 43 (2),

and the meat or the carcass from which it came has been inspected
by a meat inspector and passed by him as fit for use as animal food.

(13) (a) Section 42 (1B)—

After section 42 (1A), insert:—

(1B) Except in such circumstances, if any, as may be
prescribed, a person shall not remove from a knackery or an
animal food processing plant any knackery meat or processed
animal food unless—

(a) it is accompanied by any certificates that may be
prescribed; and

Meat Industry (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

- (b) in the case of knackery meat, the carcase or part of the carcase from which it came has been marked and treated in such manner, if any, as may be prescribed.
- (b) Section 42 (2)—
Omit “abattoir”.
- (14) (a) Section 46 (1) (a) (ii)—
Omit “vehicles used for the transportation of meat intended for consumption by animals and shops for the sale by retail of any such meat”, insert instead “pet food vans and shops for the sale by retail of meat intended for use as animal food”.
- (b) Section 46 (2) (a), (b)—
Omit “and animal food processing plants” wherever occurring, insert instead “, knackeries, animal food processing plants and pet food vans”.
- (c) Section 46 (2) (c)—
Omit “abattoir”.
- (d) Section 46 (2) (i), (j)—
Omit “abattoir” wherever occurring.
- (e) Section 46 (2) (m)—
Omit “abattoir meat”, insert instead “knackery animals, meat”.
- (15) Section 68—
Omit the section, insert instead:—
Sale of unwholesome meat.
68. Nothing in this Act protects any person who sells—
(a) any meat for human consumption which is unwholesome or unfit for human consumption; or
(b) any meat for use as animal food which is unwholesome or unfit for use as animal food.

Meat Industry (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO THE REGULATION OF
KNACKERIES—*continued.*

(16) Section 73 (2), (4)—

Omit “abattoir” wherever occurring.

(17) Section 74 (2) (b)—

Omit “or slaughter-house”, insert instead “, slaughter-house or knackery”.

(18) (a) Section 77 (2) (d) (i)—

After “slaughter-houses”, insert “, knackeries”.

(b) Section 77 (2) (aa)—

After “section”, insert “42 or”.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO PENALTIES.

(1) Section 10—

Omit:—

Penalty: \$2,000.

Daily penalty: \$500.

Insert instead:—

Penalty: In the case of a first offence, \$10,000 and, in the case of a second or subsequent offence, \$50,000 or imprisonment for 2 years, or both.

Daily penalty: \$1,000.

Meat Industry (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO PENALTIES—
continued.

(2) Section 15 (1)—

Omit "\$1,000", insert instead "\$2,000".

(3) Section 21—

Omit "\$500", insert instead "\$1,000".

(4) Sections 22, 23, 24, 28, 41, 42—

Omit "Penalty: \$1,000." wherever occurring, insert instead:—

Penalty: In the case of a first offence, \$10,000 and, in the case of a second or subsequent offence, \$50,000 or imprisonment for 2 years, or both.

(5) Sections 25, 75—

Omit "Penalty: \$1,000." wherever occurring, insert instead:—

Penalty: In the case of a first offence, \$5,000 and, in the case of a second or subsequent offence, \$10,000 or imprisonment for 1 year, or both.

(6) Sections 37, 38, 39 (2)—

Omit "\$500" wherever occurring, insert instead "\$1,000".

(7) Sections 40, 62 (3)—

Omit "\$200" wherever occurring, insert instead "\$1,000".

Meat Industry (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO PENALTIES—
continued.

(8) Section 43—

Omit "Penalty: \$2,000.", insert instead:—

Penalty: In the case of a first offence, \$10,000 and, in the case of a second or subsequent offence, \$50,000 or imprisonment for 2 years, or both.

(9) (a) Section 76 (3)—

Omit the subsection, insert instead:—

(3) A person guilty of an offence against this Act is, if no other penalty is provided therefor, liable to a penalty not exceeding—

(a) in the case of an offence being a first contravention of any particular provision of this Act—\$5,000; and

(b) in the case of an offence being a second or subsequent contravention of the same provision—\$10,000 or imprisonment for 1 year, or both,

and, in addition, for a continuing offence, a daily penalty not exceeding \$1,000.

(b) Section 76 (4)–(4c)—

Omit section 76 (4), insert instead:—

(4) Proceedings for an offence against this Act may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone or before the Supreme Court of New South Wales in its summary jurisdiction.

(4A) Proceedings for an offence against the regulations may be taken before a court of petty sessions held before a magistrate sitting alone.

Meat Industry (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IN RELATION TO PENALTIES—
continued.

(4B) If proceedings in respect of an offence against this Act are brought in a court of petty sessions held before a stipendiary magistrate, the maximum penalty that the court may impose in respect of the offence is, notwithstanding any other provisions of this Act, \$5,000 or the maximum penalty provided by this Act in respect of the offence, whichever is the lesser.

(4C) If proceedings in respect of an offence against this Act are brought in the Supreme Court of New South Wales in its summary jurisdiction, the Court may impose a penalty not exceeding the maximum penalty provided by this Act in respect of the offence.

(10) (a) Section 77 (3)—

Omit "\$1,000", insert instead "\$5,000".

(b) Section 77 (3)—

Omit "\$100", insert instead "\$500".

(11) (a) Section 78 (2)—

Omit "\$100", insert instead "\$200".

(b) Section 78 (2)—

Omit "\$10", insert instead "\$20".

Meat Industry (Amendment).

SCHEDULE 4.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 4 (1), definition of "destruction"—

After the definition of "council", insert:—

"destruction", in relation to an animal, means the killing of the animal otherwise than in such circumstances or in such a manner as to enable the production of meat fit for human consumption or for use as animal food;

(b) Section 4 (1), definition of "licensed vehicle"—

After the definition of "licensed premises", insert:—

"licensed vehicle" means any vehicle in respect of which a licence is in force;

(c) Section 4 (1), definition of "slaughter"—

After the definition of "sell", insert:—

"slaughter", in relation to an animal, means the killing of the animal in such circumstances and in such a manner as to enable the production of meat fit for human consumption or for use as animal food;

(2) Section 11A (5)—

Omit the subsection, insert instead:—

(5) An application for the renewal of a licence may be refused—

- (a) if the applicant 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 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;
- (b) if the premises or vehicle in respect of which the renewed licence is sought do or does not comply with the prescribed minimum standards; or

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SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (c) if the Authority is of the opinion that the application should be refused having regard to any matters prescribed for the purposes of this paragraph.
- (3) Sections 18 (1), 48, 55 (4), Schedule 2, clause 2, Schedule 3, clause 2—
Omit “Public Service Act, 1902” wherever occurring, insert instead “Public Service Act, 1979”.
- (4) Sections 18 (2) (a), 30 (2) (a)—
Omit the paragraphs, insert instead:—
(a) a person employed under the Public Service Act, 1979;
- (5) Section 19 (3)—
Omit “or any processed meat”, insert instead “, any processed meat or any processed animal food”.
- (6) Section 22 (1A)—
After section 22 (1), insert:—
(1A) Except as provided by section 73, a person shall not destroy any animal at an abattoir or slaughter-house.
Penalty: \$1,000.
- (7) Section 29 (4)—
Omit “a meat inspector”, insert instead “the Authority”.
- (8) Section 42 (1), (1A)—
Omit section 42 (1), insert instead:—
(1) Except in such circumstances, if any, as may be prescribed, a person shall not remove from an abattoir or slaughter-house any abattoir meat unless the carcass or part of the carcass from which it

Meat Industry (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

came has been branded by or under the authority of a meat inspector with the prescribed brand or brands indicating that the carcass or part has been inspected by a meat inspector.

(1A) A person shall not sell any abattoir meat as being 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 indicating that the meat is of that grade or class.

(9) Section 73—

Omit “, slaughter” wherever occurring.

(10) Section 75—

After “General Manager” wherever occurring, insert “, an inspector”.
