

**HOME BUSH ABATTOIR CORPORATION (DISSOLUTION  
AND TRANSFER) ACT 1991 No. 45**

NEW SOUTH WALES



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**HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION  
AND TRANSFER) ACT 1991 No. 45**

NEW SOUTH WALES



**Act No. 45, 1991**

An Act to provide for the dissolution of the Homebush Abattoir Corporation, to constitute the Homebush Bay Ministerial Corporation and to amend various Acts consequentially. [Assented to 27 November 1991]

**The Legislature of New South Wales enacts:****PART 1—PRELIMINARY****Short title**

1. This Act may be cited as the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991.

**Commencement**

2. (1) This Act commences on 1 January 1992, except as provided by subsection (2).

(2) Parts 1 and 2 commence on the date of assent to this Act.

**Definitions**

3. In this Act:

“**assets**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“**business undertaking**”, in relation to the Homebush Abattoir Corporation, means all assets, rights and liabilities of the Corporation;

“**eligible employee**” means a person who becomes an employee of the Ministerial Corporation in accordance with section 7;

“**Homebush Abattoir Corporation**” means the Homebush Abattoir Corporation constituted by the Meat Industry Act 1978;

“**instrument**” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“**Ministerial Corporation**” means the Homebush Bay Ministerial Corporation constituted by section 4;

“**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent);

“**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;

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“**transfer**” means the transfer of the business undertaking pursuant to section 5 (2).

**PART 2—ESTABLISHMENT OF HOMEBUSH BAY MINISTERIAL CORPORATION**

**Establishment of Homebush Bay Ministerial Corporation**

4. (1) There is constituted by this Act a body corporate with the corporate name of the Homebush Bay Ministerial Corporation.

(2) The affairs of the Ministerial Corporation are to be managed by the Minister.

(3) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, is taken to have been done by the Ministerial Corporation.

(4) The Ministerial Corporation has the functions conferred or imposed on it by or under this or any other Act.

(5) The functions of the Ministerial Corporation are:

- (a) to hold on behalf of the Crown, retain, transfer and dispose of assets, rights and liabilities transferred to it under this Act; and
- (b) to acquire, exchange, lease, dispose of and otherwise deal with property; and
- (c) to develop and manage land transferred to it under this Act or otherwise acquired by it; and
- (d) to carry on any activities or business that relate to any of the above or are incidental or ancillary to any of the above, including demanding, collecting and receiving charges, rates and fees.

(6) Without limiting the generality of subsection (5), the Ministerial Corporation may transfer any such assets, rights and liabilities to the Crown or to any person on behalf of the Crown.

**PART 3—DISSOLUTION OF HOMEBUSH ABATTOIR CORPORATION AND TRANSFER OF ASSETS ETC.**

**Dissolution of Homebush Abattoir Corporation and transfer of assets etc.**

5. (1) The Homebush Abattoir Corporation is dissolved on 1 January 1992.

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(2) The assets, rights and liabilities (if any) of the Homebush Abattoir Corporation immediately before its dissolution are transferred to the Ministerial Corporation.

(3) On the transfer the following provisions have effect:

- (a) the assets of the Homebush Abattoir Corporation comprised in the business undertaking vest in the Ministerial Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance;
- (b) the rights and liabilities of the Homebush Abattoir Corporation comprised in the business undertaking become by virtue of this section the rights and liabilities of the Ministerial Corporation;
- (c) all proceedings relating to the business undertaking commenced before the transfer by or against the Homebush Abattoir Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Ministerial Corporation;
- (d) any act, matter or thing done or omitted to be done in relation to the business undertaking before the transfer by, to or in respect of the Homebush Abattoir Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Ministerial Corporation;
- (e) a reference in an instrument of any kind to the Homebush Abattoir Corporation is to be read as a reference to the Ministerial Corporation.

(4) The operation of this section is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong;  
or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities;  
or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

(5) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(6) No attornment to the Ministerial Corporation by a lessee from the Homebush Abattoir Corporation is required.

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**Stamp duty**

6. Any instrument executed only for:
- (a) a purpose ancillary to or consequential on the operation of section 5; or
  - (b) the purpose of giving effect to that section,
- is not chargeable with stamp duty.

**PART 4—STAFF OF HOMEBUSH ABATTOIR CORPORATION**

**Transfer of staff**

7. (1) A person who was employed by the Homebush Abattoir Corporation immediately before the transfer becomes, on the transfer, an employee of the Ministerial Corporation.

(2) Until varied, the employment is subject to the same terms and conditions as those on which the person was employed immediately before the transfer.

**Superannuation**

8. (1) An eligible employee:

- (a) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an eligible employee; and
- (b) is entitled to receive any payment, pension or gratuity accrued or accruing under the scheme,

as if he or she had continued to be such a contributor during service with the Ministerial Corporation.

(2) Service by the eligible employee with the Ministerial Corporation is taken to be service as an officer in his or her previous employment for the purposes of any law under which the employee continues to contribute to the scheme or by which an entitlement under the scheme is conferred.

(3) The eligible employee is to be regarded as an officer or employee, and the Ministerial Corporation is to be regarded as the employer, for the purposes of the scheme.

(4) This section ceases to apply to the eligible employee if he or she becomes a contributor to another superannuation scheme, but the eligible employee is not prevented from receiving a resignation benefit from the first superannuation scheme.

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**Leave**

9. An eligible employee retains any rights to annual leave, extended service leave and sick leave accrued or accruing in his or her previous employment.

**No dual benefits**

10. An eligible employee is not entitled to claim, both under this Act and any other Act, dual benefits of the same kind for the same period of service.

**PART 5—MISCELLANEOUS**

**Regulations**

11. (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) In particular the regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(3) Any such savings or transitional provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

(4) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before its date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**Amendment of Meat Industry Act 1978 No. 54**

12. The Meat Industry Act 1978 is amended as set out in Schedule 1.

**Consequential amendments to other Acts**

13. Each Act specified in Schedule 2 is amended as set out in that Schedule.

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**SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY  
ACT 1978**

(Sec. 12)

- (1) Long title:  
Omit the words “and the Homebush Abattoir Corporation”.
- (2) Section 4 (**Definitions**):
  - (a) From section 4 (1), omit the definition of “Corporation”.
  - (b) From section 4 (1), omit the definition of “executive officer”.
  - (c) From section 4 (1), omit the definition of “General Manager”.
- (3) Part 5 (**Constitution and functions of the Corporation**):  
Omit the Part.
- (4) Section 46 (**Functions of the Authority**):  
Omit section 46 (1) (e).
- (5) Section 60 (**Definition**):  
Omit the section.
- (6) Section 61 (**Financial year**):  
Omit the section, insert instead:  
**Financial year**  
61. The financial year of the Authority is the year ending on 30 June.
- (7) Section 63 (**Investment**):  
Omit “Each corporation” and insert instead “The Authority”.
- (8) Section 66 (**Fund to be established**):  
Omit section 66 (1).
- (9) Section 67 (**Capital indebtedness of Corporation**):  
Omit the section.
- (10) Section 73 (**Destruction of abattoir animals to prevent cruelty**):  
Omit section 73 (1).

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SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978—  
*continued*

(11) Section 75 (**Bribery**):

From section 75, omit “the General Manager, an inspector or an officer or employee of the Authority or the Corporation” wherever occurring, insert instead “an inspector or an officer or employee of the Authority”.

(12) Section 76 (**Offences generally**):

From section 76 (5), omit “or in respect of any conviction for any offence against the by-laws shall be paid to and be the property of the Corporation”.

(13) Section 77 (**Regulations**):

From section 77 (2) (e), omit “, the Authority or the Corporation”, insert instead “or the Authority”.

(14) Section 78 (**By-laws**):

Omit the section.

(15) Schedule 3 (**Provisions relating to the management of the Corporation**):

Omit the Schedule.

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

(Sec. 13)

**Clean Waters Act 1970 No. 78**

From section 5, definition of “statutory authority”, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

**Government and Related Employees Appeal Tribunal Act 1980 No. 39**

From Schedule 4, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

**Public Authorities (Financial Arrangements) Act 1987 No. 33**

From Schedule 1, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

**Public Finance and Audit Act 1983 No. 152**

From Schedule 2, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

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SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS—  
*continued*

**Public Sector Management Act 1988 No. 33**

From Schedule 3, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

**Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)**

From Part 1 of Schedule 2, omit “Full-time General Manager of the Homebush Abattoir Corporation.” and “Deputy General Manager of the Homebush Abattoir Corporation.”.

**Water Act 1912 No. 44**

From sections 12 (3) and 14 (1B), omit “Homebush Abattoir Corporation” wherever occurring, insert instead “Homebush Bay Ministerial Corporation”.

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*[Minister's second reading speech made in—  
Legislative Assembly on 24 October 1991  
Legislative Council on 19 November 1991]*