



New South Wales

Meat Industry Amendment Act 1998 No 129

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Meat Industry Act 1978 No 54	2
4 Repeal of Poultry Processing Act 1969 No 45	2
 Schedule 1 Amendments	 3



New South Wales

Meat Industry Amendment Act 1998 No 129

Act No 129, 1998

An Act to amend the *Meat Industry Act 1978* with respect to the Meat Industry Authority, licences, inspectors and the regulation of the handling of meat; to repeal the *Poultry Processing Act 1969*; and for other purposes.
[Assented to 26 November 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Meat Industry Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Meat Industry Act 1978 No 54

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

4 Repeal of Poultry Processing Act 1969 No 45

The *Poultry Processing Act 1969* is repealed.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Omit the definitions of *abattoir* and *abattoir animal* from section 4 (1).

Insert instead:

abattoir means premises used or intended to be used for or in connection with the slaughtering of abattoir animals for human consumption, and includes:

- (a) buildings used or intended to be used in connection with the slaughtering, handling, drafting or keeping of abattoir animals for human consumption at any premises so used or intended to be used, and
- (b) holding yards and the like.

abattoir animal means any of the following animals that is not a game animal:

- (a) any bull, ox, steer, cow, heifer, calf, ram, ewe, wether, lamb, goat, kid, swine, buffalo, deer or rabbit, or
- (b) any bird, or
- (c) any other animal prescribed by the regulations for the purposes of this definition.

[2] Section 4 (1)

Omit the definition of *animal food processing plant*. Insert instead:

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 or fish or any product of meat or fish 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:

- (c) an abattoir, knackery, meat processing plant or game meat processing plant, or
- (d) retail meat premises.

[3] Section 4 (1)

Omit the definition of *game animal*. Insert instead:

game animal means any of the following animals that is not husbanded in the manner of a farmed animal and is killed in the field:

- (a) any goat, kid, swine, deer, rabbit, camel, hare, crocodile, bird or kangaroo.
- (b) any fauna permitted to be taken and killed for the purposes of sale in accordance with a licence under the *National Parks and Wildlife Act 1974*.
- (c) any other animal prescribed by the regulations for the purposes of this definition.

[4] Section 4 (1)

Omit the definition of *inspector*. Insert instead:

inspector means a person appointed as an inspector under section 18.

[5] Section 4 (1)

Omit the definition of *knackery animal*. Insert instead:

knackery animal means:

- (a) horse, donkey, kangaroo, buffalo, deer, bull, ox, steer, cow, heifer, calf, ram, ewe, wether, lamb, goat, kid, swine, rabbit or bird, or
- (b) any other animal prescribed by the regulations for the purposes of this definition.

[6] Section 4 (1)

Omit the definitions of *meat processing plant* and *member*.
Insert instead in alphabetical order:

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 from abattoir meat,

but does not include:

- (c) an abattoir, or
- (d) retail meat premises.

member means a member of the Board of the Authority.

[7] Section 4 (1)

Omit "or game meat" from the definition of *meat van*.

[8] Section 4 (1)

Insert ", but does not include any such product that is cooked and requires reheating in order to be ready to eat" after "consumption" in the definition of *processed meat*.

[9] Section 4 (1)

Insert in alphabetical order:

animal means an abattoir animal, game animal or knackery animal.

animal food van means any vehicle used for the conveyance of meat intended for use as animal food.

bird includes ratite.

game meat processing plant means any premises where, in the course of a business:

- (a) dead game animals intended for human consumption are, or game meat is, stored, packed, packaged, processed, treated, boned or cut up, or
- (b) processed meat is produced from game meat,

but does not include:

- (c) an abattoir, or
- (d) retail meat premises.

game meat van means any vehicle that is used for the conveyance of game meat.

handling of meat includes the production, processing, storing or transporting of meat or meat products.

meat safety officer, in relation to an abattoir or knackery, means the meat safety officer appointed for the abattoir or knackery in accordance with section 40A.

rendering plant means any premises where animal by-products are rendered or boiled down, but does not include an abattoir or knackery.

retail meat premises means premises where all the meat sold is sold by retail and on which raw meat carcasses or parts of raw meat carcasses are processed in some way (such as boning, slicing or cutting), not being premises where all the meat sold is:

- (a) in a form ready to be consumed (such as is sold at a restaurant or take-away food shop), or
- (b) in a form commonly referred to as cook and chill (that is, cooked packaged meat that requires reheating before consumption).

[10] Section 4 (1)

Omit the definitions of *by-laws*, *chief meat inspector*, *elected member*, *licensing inspector*, *meat inspector*, *meat market*, *meat stabilisation scheme*, *Metropolitan Abattoir Area*, *pet food van*, *retail butcher's shop*, *slaughter-house* and *slaughtering place*.

[11] Section 8 Act not to extend to slaughtering for domestic purposes

Omit "at the person's farm".

[12] Section 9 Licences

Omit section 9 (1). Insert instead:

- (1) Licences under this Act are to be of the following kind:
 - (a) abattoir licences,
 - (b) meat processing licences,
 - (c) game meat processing licences.
 - (d) saleyard licences,
 - (e) meat van licences,
 - (f) game meat van licences,
 - (g) knackery licences,
 - (h) rendering plant licences,
 - (i) animal food processing licences,
 - (j) animal food van licences,
 - (k) retail meat premises licences.

[13] Section 10 Unlicensed operations prohibited

Omit section 10 (1). Insert instead:

- (1) A person must not operate:
 - (a) any premises as an abattoir unless the person is the holder of an abattoir licence in respect of those premises, or
 - (b) any premises as a meat processing plant unless the person is the holder of a meat processing licence in respect of those premises, or
 - (c) any premises as a game meat processing plant unless the person is the holder of a game meat processing licence in respect of those premises, or
 - (d) a saleyard unless the person is the holder of a saleyard licence in respect of that saleyard, or
 - (e) a meat van in the course of carrying on any business unless the person is the holder of a meat van licence in respect of that meat van, or

- (f) a game meat van in the course of carrying on any business unless the person is the holder of a game meat van licence in respect of that game meat van, or
- (g) any premises as a knackery unless the person is the holder of a knackery licence in respect of those premises, or
- (h) any premises as a rendering plant unless the person is the holder of a rendering plant licence in respect of those premises, or
- (i) any premises as an animal food processing plant unless the person is the holder of an animal food processing licence in respect of those premises, or
- (j) an animal food van in the course of carrying on any business unless the person is the holder of an animal meat van licence in respect of that animal meat van, or
- (k) any premises as retail meat premises unless the person is the holder of a retail meat premises licence in respect of those premises.

[14] Section 10 (1A)

Omit the subsection.

[15] Section 10 (2A)

Omit "a slaughtering place" wherever occurring.
Insert instead "an abattoir".

[16] Section 11 Issue of licences

Omit section 11 (4) (c).

[17] Section 11A Renewal and term of licences

Omit section 11A (2) and (3). Insert instead:

- (2) A licence has effect for a period of one year from the date on which it was issued or last renewed.
- (3) The Authority may, on application in a form approved by the Authority, renew a licence.

[18] Section 11A (7)

Omit the subsection.

[19] Section 11C

Omit the section. Insert instead:

11C Licence fees

- (1) A licence fee is payable by the holder of a licence for the issue or renewal of a licence.
- (2) The licence fee is to be the fee prescribed by the regulations and is to be paid within the time and in the manner prescribed by the regulations.

[20] Section 11D Payment of certain licence fees by instalments

Omit "or a slaughter-house licence" wherever occurring.

[21] Section 11D (1)

Omit "\$500". Insert instead "\$1.000".

[22] Section 12 Licensee to exhibit current licence

Insert "current" before "licence" where secondly occurring in section 12 (1).

[23] Section 15 Alterations to licensed premises or vehicles

Omit section 15 (2).

[24] Section 16 Suspension or cancellation of licence

Insert "or any other amount due and payable to the Authority under this Act by the holder of the licence is unpaid" after "unpaid" in section 16 (1) (a).

[25] Section 16 (4)

Omit the subsection.

[26] Part 3, Division 1 heading

Omit “Meat”.

[27] Section 18 Licensing inspectors

Omit section 18 (1). Insert instead:

- (1) The Authority may appoint any officer or employee referred to in section 48 (1) to be an inspector for the purposes of this Act.

[28] Section 18 (2) and (3)

Omit the subsections. Insert instead:

- (2) The Chairperson of the Authority may, with the approval of the appropriate employer referred to in subsection (3), and on such terms as may be arranged with that employer, make use for the purposes of this Act of the services of:
 - (a) a person employed under the *Public Sector Management Act 1988*, or
 - (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 Service.
- (3) For the purposes of an approval referred to in subsection (2), the appropriate employer is:
 - (a) in the case of a person referred to in subsection (2) (a)—the appropriate Department Head within the meaning of the *Public Sector Management Act 1988*, or

- (b) in the case of a person referred to in subsection (2) (b) (other than a veterinarian referred to in paragraph (c))—the public or local authority by whom the person is employed or controlled, or
- (c) in the case of a district veterinarian holding office under section 22 of the *Rural Lands Protection Act 1989*—the Minister administering that Act, or
- (d) in the case of a member of the Police Service—the Commissioner of Police.

[29] Section 18 (4)

Insert after section 18 (3):

- (4) The Authority may engage such consultants and contractors as may be necessary or convenient to exercise the functions of the Authority.

[30] Section 19 Inspectors' powers generally

Omit "a meat inspector" wherever occurring.
Insert instead "an inspector".

[31] Section 19 (2)

Omit "A meat inspector". Insert instead "An inspector".

[32] Section 19 (2) and (3)

Omit "Director-General" wherever occurring.
Insert instead "Authority".

[33] Section 19 (2) and (3)

Omit "meat inspectors" wherever occurring.
Insert instead "inspectors".

[34] Section 20 Powers of inspectors

Omit "A meat inspector" from section 20 (1).
Insert instead "An inspector".

[35] Section 20

Insert at the end of section 20 (1) (f):

, and

- (g) detain any licensed vehicle for such time as is reasonably necessary for the inspector to exercise any function under this Act.

[36] Section 20 (2)

Omit "a meat inspector". Insert instead "an inspector".

[37] Section 21 Inspectors' powers to give directions and perform prescribed functions

Omit "A meat inspector" wherever occurring.
Insert instead "An inspector".

[38] Section 21 (1)

Omit " , slaughter-house" wherever occurring.

[39] Section 21 (2)

Omit "meat market, meat van, animal food processing plant or pet food van".

Insert instead "game meat processing plant, meat van, game meat van, animal food processing plant or animal food van".

[40] Section 21 (4)

Omit "a meat inspector". Insert instead "an inspector"

[41] Section 22 Slaughtering at abattoirs

Omit "or slaughter-house" wherever occurring.

[42] Section 22 (2)

Omit "inspector". Insert instead "safety officer".

[43] Section 22 (3)

Omit the subsection. Insert instead:

- (3) A person must not represent, directly or indirectly, that any meat from an animal slaughtered at an abattoir is fit for human consumption unless the meat safety officer for the abattoir has passed the carcass or part of the carcass from which the meat is taken as being fit for human consumption.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

[44] Section 22A Slaughtering at knackeries

Omit "inspector" from section 22A (2).
Insert instead "safety officer".

[45] Section 22A (3)

Omit the subsection. Insert instead:

- (3) A person must not represent, directly or indirectly, that any meat from an animal slaughtered at a knackery is fit for use as animal food unless the meat safety officer for the knackery has passed the carcass or part of the carcass from which the meat is taken as being fit for use as animal food.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

[46] Section 22B Destruction of animals at knackeries

Omit “meat inspector” from section 22B (1).
Insert instead “meat safety officer”.

[47] Section 22B (2)

Omit “A meat inspector”. Insert instead “An inspector”.

[48] Section 22C

Insert after section 22B:

22C Inspection of game meat

- (1) A person must not represent, directly or indirectly, that any meat from a game animal is fit for human consumption unless a person who has been approved in writing by the Authority to inspect game animals for human consumption has passed the meat or the animal from which the meat is taken as being fit for human consumption.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

- (2) A person must not represent, directly or indirectly, that any meat from a game animal is fit for use as animal food unless a person who has been approved in writing by the Authority to inspect game animals for animal consumption has passed the meat or the animal from which the meat is taken as being fit for use as animal food.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

[49] Sections 23–24A

Omit sections 23 and 24. Insert instead:

23 Source of meat processed at meat processing plants

The holder of a meat processing licence must, in producing processed meat, use only meat, or things containing meat:

- (a) that has come from an abattoir animal, and
- (b) that has been passed by a meat safety officer as being fit for human consumption.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

24 Source of meat processed at game meat processing plants

The holder of a game meat processing licence must, in producing processed meat, use only meat, or things containing meat:

- (a) that is game meat, and
- (b) that has been passed, or has come from an animal that has been passed, by a person who has been approved in writing by the Authority to inspect game animals for human consumption, as being fit for human consumption.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

24A Source of meat processed at animal food processing plants

The holder of an animal food processing licence must, in producing animal food, use only meat, or things containing meat:

- (a) that has been passed by a meat safety officer as being fit for use as animal food, or
- (b) that has been passed, or has come from an animal that has been passed, by a person who has been approved in writing by the Authority to inspect game animals for use as animal food, as being fit for use as animal food.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

[50] Section 25 Inspectors' powers to require inspection or additional inspection

Omit "A meat inspector" from section 25 (1).
Insert instead "An inspector".

[51] Section 25 (1)

Omit "the meat inspector" wherever occurring.
Insert instead "the inspector".

[52] Section 25 (1)

Omit "a meat inspector". Insert instead "an inspector".

[53] Section 26 Condemning of abattoir animals, game animals, meat, processed meat or processed animal food

Omit "A meat inspector" wherever occurring.
Insert instead "An inspector".

[54] Sections 26 and 29

Omit "a meat inspector" wherever occurring.
Insert instead "an inspector".

[55] Section 27 Fees

Omit the section.

[56] Section 28 Unauthorised branding or stamping of meat, processed meat or processed animal food

Omit "a meat inspector's mark".
Insert instead "an inspection mark".

[57] Section 28

Omit "inspector" wherever occurring.
Insert instead "safety officer".

[58] Section 29 Seizure

Insert after section 29 (1):

- (1A) Anything seized under this section may, at the option of the inspector who made the seizure or of any inspector acting in his or her place, be detained in the place or vehicle where it was found or be removed to another place and detained there.

- (1B) If the item is to be detained in the place or vehicle where it was found, the inspector:
- (a) may place it in a room, compartment or cabinet in that place or vehicle, and
 - (b) may mark, fasten and seal the door or opening providing access to that room, compartment or cabinet. and
 - (c) must ensure that it is marked in such a way as to indicate that it has been seized under this Act.

[59] Section 29 (3A)–(3C)

Insert after section 29 (3):

- (3A) If meat, processed meat or processed animal food that has been seized under this section:
- (a) is detained in the place or vehicle where it was found, and
 - (b) may be dealt with by the Authority in accordance with subsection (3),

the Authority may direct that a person in charge of the place or vehicle must destroy the meat, processed meat or processed animal food in the presence of an inspector and in the manner specified by the inspector.

- (3B) A person must not fail to comply with a direction given to the person under subsection (3A).

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years. or both.

- (3C) Subsection (3A) does not limit any power that the Authority has to deal with meat, processed meat or processed animal food in accordance with subsection (3).

[60] Section 29 (5) and (6)

Insert after section 29 (4):

- (5) A person who was the owner of any meat, processed meat or processed animal food immediately before its seizure under this section is liable for the cost of the lawful destruction or disposal of the meat, processed meat or processed animal food under this section and any cost incurred by or on behalf of the Authority in connection with that destruction or disposal is taken to be a debt due to the Authority from that person.
- (6) In any proceedings for the recovery of the debt, a certificate signed by the Authority stating the amount of any costs and the manner in which they were incurred is evidence of the matters certified.

[61] Section 29A

Insert after section 29:

29A Assistance

An inspector may be accompanied by and use such persons as the inspector considers necessary to assist the inspector in the exercise of the inspector's functions under this Act.

[62] Part 3, Division 2

Omit the Division.

[63] Part 3, Division 3 heading

Omit the heading.

Insert instead "**Division 3 Inspectors' Powers**".

[64] Section 33 Appropriate employer

Omit the section.

[65] Section 34

Omit the section. Insert instead:

34 Identification of inspectors

The Authority is to provide every inspector with a certificate of identification in the prescribed form.

[66] Part 3, Division 3A

Insert after Division 3:

Division 3A Meat safety officers

40A Appointment of meat safety officers

- (1) The holder of an abattoir licence must not operate the abattoir to which the licence relates unless there is a person holding the position of meat safety officer for the abattoir whose appointment has been approved in writing by the Authority.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

- (2) The holder of a knackery licence must not operate the knackery to which the licence relates unless there is a person holding the position of meat safety officer for the knackery whose appointment has been approved in writing by the Authority.

Maximum penalty: In the case of a first offence, 100 penalty units and in the case of a second or subsequent offence, 500 penalty units or imprisonment for 2 years, or both.

40B Duty of meat safety officer to report contraventions of Act or regulations

A meat safety officer for an abattoir or knackery is to report, as soon as practicable, to the Authority any contravention of this Act or the regulations relating to the abattoir or knackery of which the officer becomes aware.

40C Revocation of approval of appointment of meat safety officer

- (1) The Authority may revoke the approval of a person to hold the position of meat safety officer at a particular abattoir or knackery if the Authority is of the opinion that the person:
 - (a) has not competently carried out any function of a meat safety officer under this Act or the regulations, or
 - (b) has failed to report any contravention of this Act or the regulations relating to the abattoir or knackery of which the officer was aware or should have been aware.
- (2) A revocation of approval under this section:
 - (a) may be made only after the Authority has given the meat safety officer an opportunity to be heard, and
 - (b) must be in writing served on the meat safety officer and the holder of the licence for the abattoir or knackery concerned.
- (3) A person aggrieved by a decision of the Authority under this section may apply to the Minister for a review of the decision.

[67] Section 41 Offences as to sale of meat

Omit "or slaughter-house" from section 41(1) (a).

[68] Section 41 (1) (a1)

Omit the paragraph. Insert instead:

- (a1) in the case of meat from a game animal—the carcass was processed at a game meat processing plant.

[69] Section 41 (1) (b)

Omit the paragraph.

[70] Section 41 (1)

Omit "inspector". Insert instead "safety officer".

[71] Section 41 (1A) (a)

Omit “, slaughter-house”.

[72] Section 41 (1A) (a1)

Omit the paragraph. Insert instead:

- (a1) in the case of meat from a game animal—the carcass was processed at a game meat processing plant.

[73] Section 41 (1A) (b)

Omit the paragraph.

[74] Section 41A Offences as to storage of meat

Omit "retail butcher's shop" from section 41A (1).
Insert instead "retail meat premises".

[75] Section 41A (1) (a)

Omit “or slaughter-house”.

[76] Section 41A (1) (a1)

Omit the paragraph. Insert instead:

- (a 1) in the case of meat from a game animal—the carcass was processed at a game meat processing plant.

[77] Section 41A (1) (b)

Omit the paragraph.

[78] Section 41A (1)

Omit "inspector" wherever occurring.
Insert instead "safety officer".

[79] Section 41A (2) (a)

Omit “, slaughter-house”.

[80] Section 41A (2) (a1)

Omit the paragraph. Insert instead:

- (a 1) in the case of meat from a game animal—the carcass was processed at a game meat processing plant.

[81] Section 41A (2) (b)

Omit the paragraph.

[82] Section 42 Branding of prescribed grades or classes of meat

Omit “or slaughter-house” from section 42 (1).

[83] Section 42 (1)

Insert “game” before “meat processing plant”.

[84] Section 42 (1), (1A) and (2)

Omit “inspector“ wherever occurring.
Insert instead ”safety officer”.

[85] Section 43

Omit the section. Insert instead:

43 Arrangements relating to certification of export meat

- (1) If the government, or an authority of the government, of another country requires any matter to be certified in relation to meat or any product of meat that is intended to be exported to that country from New South Wales. an inspector authorised by the Authority for the purpose may issue a certificate to the person intending to export the meat or product to the effect that the inspector is satisfied as to that matter.
- (2) The Authority may authorise an inspector for the purposes of this section only if arrangements have been made with the Commonwealth Government or a Minister of the Commonwealth Government for the exercise by inspectors of functions under this section.

[86] Part 3, Division 5

Omit the Division.

[87] Section 45

Omit the section. Insert instead:

45 Board of Authority

- (1) There is to be a Board of the Authority.
- (2) The Board is to consist of 12 members appointed by the Minister of whom:
 - (a) one is to be a person appointed to be Chairperson, and
 - (b) one is to be an officer of the Department of Agriculture who is to be the Deputy Chairperson, and
 - (c) one is to be an officer of the Department of Health, and
 - (d) one is to be a representative of red meat processors, and
 - (e) one is to be a representative of poultry processors, and
 - (f) one is to be a representative of other meat processors, and
 - (g) one is to be a representative of meat retailing, and
 - (h) 4 are to be representatives of livestock producers, and
 - (i) one is to be a representative of livestock selling centres.
- (3) All decisions relating to the operation of the Authority are to be made by or under the authority of the Board, but subject to any direction of the Minister.
- (4) The Board must give the Minister any information about the exercise of the Authority's functions that the Minister requests.
- (5) Schedule 2 has effect with respect to the constitution and procedure of the Board.

[88] Section 46 Functions of Authority

Omit section 46 (1). Insert instead:

- (1) The Authority has such functions as are conferred or imposed on it by or under this or any other Act.
- (1A) In particular, the Authority has the following functions:
 - (a) to implement measures designed to ensure that meat intended for human consumption is safe for that purpose,
 - (b) to keep under review the construction and hygiene of, and the plant and equipment in, meat processing plants, game meat processing plants, meat vans, game meat vans, saleyards, animal food processing plants, knackeries, animal food vans and retail meat premises and shops for the sale by retail of meat intended for use as animal food,
 - (c) to issue and renew licences in accordance with this Act,
 - (d) to provide a market intelligence service with respect to abattoir meat, abattoir animals or game meat,
 - (e) whenever it considers it necessary to do so or it is requested by the Minister to do so, to make recommendations to the Minister with respect to the setting of meat inspection standards and the functions of inspectors.

[89] Section 46 (2) (a), (b), (d), (g), (h) and (k)

Omit the paragraphs.

[90] Section 46 (2) (h1)

Omit "a slaughtering place". Insert instead "an abattoir".

[91] Section 46 (2) (l)

Omit the paragraph. Insert instead:

- (l) provide advice and facilitate training on food safety issues relating to meat.

[92] Section 46 (2) (n)

Insert at the end of section 46 (2) (m):

, and

- (n) carry out inspections and audit work for government agencies or the private sector.

[93] Section 48 Officers and employees

Omit "*Public Service Act 1979*" from section 48 (1).
Insert instead "*Public Sector Management Act 1988*".

[94] Section 48 (2)–(4)

Omit the subsections.

[95] Section 66 Fund to be established

Omit section 66 (2) (a).

[96] Section 69 Authority may appoint managers of certain council abattoirs

Omit the section.

[97] Section 71 Suspension of certain powers of council

Omit "a meat inspector". Insert instead "an inspector".

[98] Section 72 Execution of directions and orders by Authority

Omit “, 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,”.

[99] Section 73 Destruction of abattoir animals to prevent cruelty

Omit "A meat inspector" from section 73 (2).
Insert instead "An inspector".

[100] Section 73 (3)

Omit “a meat inspector”. Insert instead "an inspector".

[101] Section 74 Evidence

Omit “a meat inspector” wherever occurring.
Insert instead "an inspector".

[102] Section 74 (1) (c)

Omit the paragraph.

[103] Section 74 (2) (b)

Omit “, slaughter-house”.

[104] Section 74 (3)

Omit "a meat inspector's" wherever occurring.
Insert instead “an inspection”.

[105] Section 74 (3) (a)

Omit "inspector". Insert instead "safety officer".

[106] Section 75 Bribery

Insert at the end of section 75 (1):

Maximum penalty: In the case of a first offence, 50 penalty units and, in the case of a second or subsequent offence, 100 penalty units or imprisonment for 1 year. or both.

[107] Section 75 (3) and (4)

Insert after section 75 (2):

- (3) A meat safety officer. must not, without lawful authority, demand or receive from any person payment. gratuity or present in consideration of doing or omitting to do any act or thing pertaining to the office or employment of the officer if it would result in the officer failing to perform properly the functions of a meat safety officer.

Maximum penalty: In the case of a first offence. 50 penalty units and in the case of a second or subsequent offence, 100 penalty units or imprisonment for 1 year. or both.

- (4) A person must not. without lawful authority. offer. make or give any payment. gratuity or present in consideration of the doing or omission of any act or thing pertaining to the office or employment of a meat safety officer if it would result in the officer failing to perform properly the functions of a meat safety officer.

Maximum penalty: In the case of a first offence, 50 penalty units and in the case of a second or subsequent offence, 100 penalty units or imprisonment for 1 year, or both.

[108] Section 76 Offences generally

Omit "or by-laws." from section 76 (2).

[109] Section 76A

Insert after section 76:

76A Penalty notices

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice is to be served personally or by post.
- (4) If the amount of the penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not an admission of liability for the purposes of, and does not affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
 - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty for an offence if dealt with under this section, and
 - (c) prescribe different amounts of penalty for different offences or classes of offences.
- (7) The amount of penalty prescribed under this section for an offence may not exceed the maximum amount of penalty that could be imposed for the offence by a court.

- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (9) In this section, *authorised officer* means:
 - (a) an inspector, or
 - (b) a member of the Police Service.

[110] Section 77 Regulations

Omit section 77 (2). Insert instead:

- (2) In particular the Governor may make regulations for or with respect to the following:
 - (a) regulating the handling of meat,
 - (b) prohibiting activities in relation to the handling of meat.
 - (c) the operation of any licensed premises or licensed vehicles and of any plant or equipment on or in those premises or vehicles.
 - (d) 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. or
 - (ii) licensed vehicles, or
 - (iii) any plant or equipment in or on licensed premises or licensed vehicles.
 - (e) requiring the preparation, implementation, maintenance and monitoring of programs to ensure that the provisions of this Act and the regulations are complied with.
 - (f) the certification and auditing of programs referred to in paragraph (e).

- (g) the issue, renewal or transfer of licences,
- (h) the varying of conditions or restrictions specified in a licence or the addition to or deletion from a licence of conditions,
- (i) requiring the preparation of plans in the event of the need for a recall of any meat,
- (j) designating the persons who are to be responsible for compliance with the obligations imposed by the regulations.
- (k) requiring the giving of information, returns or notices to the Authority by licensees,
- (l) the functions of inspectors under this Act, including the conferring on inspectors of functions relating to the following:
 - (i) the hygienic and humane management and operation of abattoirs, knackeries and saleyards and the hygienic management and operation of meat processing plants and game meat processing plants,
 - (ii) 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,
- (m) the classification, grading, branding, stamping, marking, staining or identification of any carcase, wherever slaughtered, or of any meat.
- (n) the functions of the Minister or the Authority under this Act.
- (o) the lodging and forfeiture of a deposit in connection with any appeal to the Minister under this Act.
- (p) the manner of taking samples for the purposes of this Act.

- (q) the methods of analysis to be observed in analyses under this Act,
 - (r) the provision by a licensee of suitable accommodation for use by inspectors in the course of the performance of their functions,
 - (s) fees or charges for the purposes of this Act, including (but not limited to) fees and charges for:
 - (i) the processing of applications for licences and for the grant or renewal of licences, or
 - (ii) the issuing of replacement licences, or
 - (iii) the provision of information, or
 - (iv) the carrying out of any inspection, analysis or audit for the purposes of this Act (whether or not the inspection, analysis or audit is requested or agreed to), or
 - (v) the certification of any matter in accordance with this Act or the regulations,
 - (vi) the issuing or approval of brands,
 - (t) the refund of any fees,
 - (U) the form, manner of service and time of issue in any year of notices specifying the amount of meat industry levies.
 - (v) all other matters incidental to the regulation of meat industry levies,
 - (w) the exemption of any class of persons, acts, matters or things from all or any specified provisions of this Act or the regulations.
- (2.4) The regulations may incorporate by reference, wholly or in part and with or without modification, any standards, rules, codes, specifications or methods, as in force at a particular time or as in force from time to time, prescribed or published by an authority or body (whether or not it is a New South Wales authority or body).

[111] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Constitution and procedure of Board

(Section 45)

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Board.

member means any member of the Board.

Part 2 Constitution

2 Terms of office of members

Subject to this Schedule, a member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

3 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

4 Deputies

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.

- (3) While acting in the place of a member, a person:
 - (a) has all the functions of the member and is taken to be a member, and
 - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

5 Vacancy in office of member

- (1) The office of a member becomes vacant if the member:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause, or
 - (e) is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit. or
 - (g) becomes a mentally incapacitated person. or
 - (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

- (2) The Minister may at any time remove a member from office.

6 Filling of vacancy in office of member

If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

7 Chairperson and Deputy Chairperson

- (1) In the absence of the Chairperson, the Deputy Chairperson may, if available, act in the place of the Chairperson.
- (2) While acting in the place of the Chairperson, the Deputy Chairperson has all the functions of the Chairperson and is taken to be the Chairperson.
- (3) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person:
- (a) is removed from office by the Minister under this clause, or
 - (b) ceases to be a member.
- (4) The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.

8 Disclosure of pecuniary interests

- (1) If:
- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
 - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

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- (2) A disclosure by a member at a meeting of the Board that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
 - (b) is a partner, or is in the employment, of a specified person, or
 - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Board.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Board otherwise determines:
- (a) be present during any deliberation of the Board with respect to the matter, or
 - (b) take part in any decision of the Board with respect to the matter.
- (5) For the purposes of the making of a determination by the Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the Board for the purpose of making the determination, or
 - (b) take part in the making by the Board of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Board.

9 Effect of certain other Acts

- (1) Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the appointment of a member.
- (2) If by or under any Act provision is made:
 - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
 - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

Part 3 Procedure

10 General procedure

The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

11 Quorum

The quorum for a meeting of the Board is a majority of its members, of whom one must be the Chairperson or Deputy Chairperson.

12 Presiding member

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson) is to preside at a meeting of the Board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

13 Voting

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

14 Transaction of business outside meetings or by telephone

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1),
or
 - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

15 First meeting

The Minister may call the first meeting of the Board in such manner as the Minister, thinks fit.

[112] Schedule 4 Provisions respecting abattoir animals slaughtered at the Corporation's abattoirs

Omit the Schedule.

[113] Schedule 6, heading

Omit the heading.

Insert instead **“SCHEDULE 6—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS”**.

[114] Schedule 6, clause 1A

Insert before clause 1:

1A Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

Meat Industry Amendment Act 1998
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) 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 the date of its 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.

[115] Schedule 6, clause 8

Insert after clause 7:

8 Provisions consequent on enactment of Meat Industry Amendment Act 1998

- (1) A person holding office as a member of the Authority immediately before the substitution of section 45 by the *Meat Industry Amendment Act 1998* vacates office on that substitution, but is eligible (if qualified) for appointment as a member of the Board of the Authority.
- (2) A person holding office as a meat inspector or licensing inspector immediately before the repeal of Division 2 of Part 3 is taken to have been appointed as an inspector.
- (3) A certificate issued to a person under section 34 and in force immediately before the substitution of that section by the *Meat Industry Amendment Act 1998* is taken to be a certificate of identification as an inspector issued to the person under section 34 as in force after the substitution.
- (4) A meat processing licence in force immediately before the commencement of Schedule 1 [12] to the *Meat Industry Amendment Act 1998* in respect of premises where game meat is handled or processed meat from game meat is produced:
 - (a) is taken to be a game meat processing licence in respect of the premises, and
 - (b) subject to this Act and the regulations, is subject to the same conditions on which it was issued and is valid for the same period for which it was issued.

- (5) A meat van licence in force immediately before the commencement of Schedule 1 [12] to the *Meat Industry Amendment Act 1998* in respect of a vehicle used for the conveyance of game meat:
- (a) is taken to be a game meat van licence in respect of that vehicle, and
 - (b) subject to this Act and the regulations, is subject to the same conditions on which it was issued and is valid for the same period for which it was issued.
- (6) A pet food van licence in force immediately before the commencement of Schedule 1 [12] to the *Meat Industry Amendment Act 1998* in respect of a vehicle:
- (a) is taken to be an animal food van licence in respect of that vehicle, and
 - (b) subject to this Act and the regulations, is subject to the same conditions on which it was issued and is valid for the same period for which it was issued.
- (7) A certificate of registration of plant in force under the *Poultry Processing Act 1969* immediately before its repeal:
- (a) is taken to be an abattoir licence in respect of the plant under this Act, and
 - (b) subject to this Act and the regulations, is subject to the same conditions on which it was issued and is valid for the same period for which it was issued.
- (8) The repeal of section 43B by Schedule 1 [86] to the *Meat Industry Amendment Act 1998* does not affect the operation of that section in relation to:
- (a) any entitlement of a person to contribute to a superannuation scheme, or

(b) any rights accrued by or accruing to a person under a superannuation scheme,

and the section continues to have effect in relation to any such entitlement or rights as if it had not been repealed.

[Minister's second reading speech made in—
Legislative Assembly on 28 October 1998
Legislative Council on 12 November 1998]