

Meat Industry Act 1978 No 54

[1978-54]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Section 6A (4) of this Act (the repeal of certain provisions is to have effect on 1.8.2003)
[Justices Legislation Repeal and Amendment Act 2001 No 121](#) (not commenced)
- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2002](#)

Authorisation

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New South Wales

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Meat Industry Act 1978 No 54



New South Wales

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 Consultative Council; and to repeal the *Meat Industry Authority Act 1970* and the *Meat Industry Act 1915*.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Meat Industry Act 1978*.

2 Commencement

- (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.
- (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3 (Repealed)

4 Definitions

- (1) In this Act, except so far as the context or subject-matter otherwise indicates or requires:

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.

abattoir meat means meat that is from an abattoir animal and that is intended for human consumption.

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

bird includes ratite.

commencement day means the day appointed and notified under section 2 (2).

council means a council or a county council within the meaning of the [Local Government Act 1993](#).

Council means the Meat Industry Consultative Council established under section 47.

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.

functions includes powers, authorities and duties.

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.

game meat means meat that is from a game animal and that is intended for human consumption.

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

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.

knackery meat means meat that is from a knackery animal and that is intended for

use as animal food.

licence means a licence in force under this Act.

licensed premises means any premises in respect of which a licence is in force.

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

meat industry levy means the levy payable under section 59A (1).

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.

regulations means regulations under this Act.

Safe Food means Safe Food Production NSW constituted by the [Food Production \(Safety\) Act 1998](#).

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).

(2) A reference in this Act to:

- (a) the renewal of a licence is a reference to the issue of a further licence which is of the same class as that licence and is to take effect on the expiry of that licence, or
- (b) a renewed licence is a reference to a licence issued as referred to in paragraph (a).

- (3) In sections 28, 41, 41A, 42 and 74, a reference to a meat safety officer is to be read as a reference to:
- (a) in the case of game meat for human consumption or processed meat made from game meat or that has game meat as an ingredient—a person approved in writing by the Authority to inspect game animals for human consumption, or
 - (b) in the case of game meat for use as animal food or processed animal food made from game meat or that has game meat as an ingredient—a person approved in writing by the Authority to inspect game animals for animal consumption.

5 Act binds Crown

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.

6 Application of Act

Without limiting section 31 of the *Interpretation Act 1987* 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.

6A Limited application of Act

- (1) On and from the commencement of this subsection, Part 2 applies to and in respect of saleyard licences only.
- (2) A reference:
 - (a) in Part 2 to the Authority is to be read as a reference to Safe Food, and
 - (b) in this Act to an inspector is to be read as a reference to an authorised officer within the meaning of the *Food Production (Safety) Act 1998*.
- (3) The regulations in force immediately before the substitution of section 77 (2) continue to have effect in respect of saleyard licences as if that subsection had not been substituted and those regulations may be amended or repealed accordingly.
- (4) On and from 1 August 2003, the following provisions of this Act are repealed:
 - (a) the definitions of **licence**, **licensed premises** and **sell** in section 4 (1),
 - (b) Part 2,
 - (c) Part 3,
 - (d) subsections (1)–(3) of this section.

6B Branding of meat

- (1) Regulations under the *Food Production (Safety) Act 1998* may include provisions requiring the branding of meat to identify whether it is lamb or hogget regardless of whether the purpose of those provisions relates to the safety of the meat for human consumption.
- (2) Any such provisions cease to have effect on and from 1 August 2003 unless sooner repealed.

7 Exemption from operation of Act

- (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.

Editorial note—

For orders under section 7 (1), see Historical notes at the end of this Act.

- (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.

8 (Repealed)

Part 2 Licences

9 Licences

- (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.
- (2) The regulations may make provision for or with respect to the issue of different classes of such licences for different types of premises or vehicles.
- (3) Without limiting the generality of subsection (2), different classes of meat processing licences and meat van licences may be prescribed in relation to game meat.

10 Unlicensed operations prohibited

- (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.

(1A) (Repealed)

(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.

(2A) In subsection (1):

operate, in relation to an abattoir or a knackery, includes the use of premises on one or more occasions as an abattoir or a knackery, as the case may be.

(3) The holder of a licence must comply with any conditions or restrictions specified in the licence.

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.

Daily penalty: 10 penalty units.

11 Issue of licences

(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 application for the licence have been complied with.

(3) (Repealed)

(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 *Meat Industry Authority Act 1970*, the *Noxious Trades 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 and 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) (Repealed)

(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.

(5)-(7) (Repealed)

11A Renewal and term of licences

- (1) In this section, **licence** does not include a licence referred to in clause 1 of Schedule 6.
- (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.
- (4) A licence shall not be renewed by the Authority unless the prescribed requirements relating to the application for renewal have been complied with.
- (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 *Noxious Trades 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
 - (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.
- (6) Notwithstanding subsections (2) and (3), where application is duly made for the renewal of a licence and the application is not granted before the expiry of the licence, the licence continues in force until the day on which the application is finally determined.
- (7) (Repealed)

11B Licences may be subject to conditions and restrictions

- (1) A licence may be issued subject to such conditions and restrictions as may be specified in the licence.
- (2) A licence may be renewed subject to such conditions and restrictions as may be specified in the renewed licence.

- (3) The Authority may, by notice in writing sent by post to the holder of a licence at the address specified in the 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.
- (4) 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.
- (5) 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 (3).
- (6) A condition or restriction which is specified in a licence pursuant to subsection (1), (2) or (4) does not, if the licence is renewed or further renewed, attach to the renewed licence unless it is specified in the renewed licence pursuant to subsection (2) or (4).

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.

11D Payment of certain licence fees by instalments

- (1) An applicant for the issue or renewal of an abattoir licence may, in the application, if the licence fee payable in respect of the issue or renewal of the licence is in excess of \$1,000, elect to pay the licence fee by 4 equal instalments, the first instalment being due and payable before the issue or renewal of the licence and each of the remaining 3 instalments being due and payable:
 - (a) respectively on 1 December, 1 March and 1 June next following the date of issue or renewal of the licence, or
 - (b) where the licence is issued or renewed after 30 November in any year, at such times as the Authority may determine.
- (2) For the purpose of calculating the amount of instalments under subsection (1), where the quotient obtained by dividing the licence fee by the appropriate number of instalments results in a remaining fraction of a cent, that fraction shall be ignored.
- (3) If an instalment payable in respect of an abattoir licence is not paid on or before the day on which it is due and payable under subsection (1), the balance of the licence fee becomes due and payable.
- (4) The balance of the licence fee payable in respect of an abattoir licence becomes due

and payable upon the cancellation or suspension of the licence.

- (5) The whole or any part of an amount which is due and payable by any person under this section and which is unpaid may be recovered by the Authority, as a debt, in any court of competent jurisdiction.

12 Licensee to exhibit current licence

- (1) The holder of a licence must affix the current licence, and must keep it affixed, in some conspicuous place within or on the premises or vehicle for which the licence was issued.
- (2) Subsection (1) does not apply to the holder of a licence who has surrendered the licence to the Authority in accordance with the regulations.

13 (Repealed)

14 Transfer of licences

- (1) A licence may be transferred by the licensee to another person only with the approval of the Authority.
- (2) The transfer of a licence shall not be approved by the Authority unless the prescribed requirements have been complied with.

15 Alterations to licensed premises or vehicles

- (1) The holder of a licence must not make:
 - (a) structural alterations or additions to the premises to which the licence relates, or
 - (b) alterations or additions to the part of the vehicle to which the licence relates (being a part in which meat is conveyed), or
 - (c) alterations or additions to equipment that is used solely or mainly for the purposes of that part,

without first having obtained the approval in writing of the Authority.

Maximum penalty: 20 penalty units.

- (2) (Repealed)

16 Suspension or cancellation of licence

- (1) The Authority may suspend a licence for such period as it thinks fit or may cancel a licence:
 - (a) if any instalment of the licence fee that is due and payable in respect of the licence under section 11D is unpaid or any other amount due and payable to the

Authority under this Act by the holder of the licence is unpaid,

(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.

(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) (Repealed)

17 Appeal

(1) Where the Authority decides:

(a) to refuse an application for the issue or renewal of licence,

(b) to issue or renew a licence subject to conditions or restrictions,

(c) to suspend or cancel a licence,

(d) to exercise its power under section 11B (3),

(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).

(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 3 Inspections and regulation of the meat industry

Division 1 Inspectors

18, 19 (Repealed)

20 Powers of inspectors

(1) An inspector may:

(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 the inspector 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, and

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

- (2) Where an 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, the inspector may perform a function 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.

21-28 (Repealed)

29 Seizure

- (1) Where an inspector:

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

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

- (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.

- (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 the person's complaint,

the complaint shall be heard and determined by a Magistrate who may either confirm or disallow the seizure and may:

- (c) where the Magistrate 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 the Magistrate thinks fit, and

(d) whether the Magistrate confirms or disallows the seizure, make such order as to costs as the Magistrate 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.

(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).

(4) If any person without the permission of the Authority 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 that person may be liable, shall be guilty of an offence against this Act unless the seizure has been disallowed under subsection (2).

(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.

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.

Division 2

30-32

Division 3 Inspectors' powers

33, 34 (Repealed)

35 Inspection of books etc

An inspector may:

- (a) enter and remain in or on any premises or vehicle which are or is, or which the inspector 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 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
- (d) require any person found in or on any such premises or vehicle to produce any such accounts, records, books or documents in the person's possession or under the person's control.

36 Supplementary power of inspectors

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

37 Obstructing inspector

A person shall not:

- (a) delay, obstruct, hinder, impede, threaten or assault:
 - (i) an inspector in the performance of the inspector's functions under this Act or the regulations, or
 - (ii) a person assisting an inspector in the performance of the inspector's functions under this Act or the regulations, or
- (b) fail to comply with any requirement made under section 35 (d).

Maximum penalty: 10 penalty units.

38 Personation of inspector

A person shall not:

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

Maximum penalty: 10 penalty units.

39 Questions by inspectors

- (1) An inspector may require:
 - (a) any licensee or any person employed in or about any premises or vehicle required by this Act to be licensed, or
 - (b) an occupier of any premises used as a restaurant or for the retail sale of meat or processed meat, or any person employed in or about those premises,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.
- (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.

Maximum penalty: 10 penalty units.

- (3) A person is not obliged to answer any question asked under subsection (1) unless the person has first been informed by the inspector asking the question that the person 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 under subsection (1) on the ground that a refusal might tend to incriminate the person or make the person liable to any penalty.
- (5) Any answer given by a person pursuant to a requirement made under subsection (1) after the person has been informed in the manner set forth in subsection (3) shall not be admissible in evidence in any proceedings, civil or criminal, against the person, other than in proceedings under subsection (2).
- (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.

40 Demanding name and place of abode

- (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, the inspector suspects of having committed or attempted to commit any such offence may demand that person's name and place of abode.
- (2) A person shall not, upon demand made under subsection (1):
 - (a) fail or refuse to state the person's name or place of abode, or
 - (b) give a false name or place of abode.

Maximum penalty: 10 penalty units.

Divisions 3A-5

40A-43B

Part 4 Functions of Safe Food

44, 45 (Repealed)

46 Functions of Safe Food

- (1) (Repealed)

(1A) In particular, Safe Food has the following functions:

(a)-(c) (Repealed)

(d) to provide a market intelligence service with respect to abattoir meat, abattoir animals or game meat.

(e) (Repealed)

(2) Safe Food may:

(a)-(n) (Repealed)

Part 5 Meat Industry Consultative Council

47 Establishment of Meat Industry Consultative Council

(1) The Minister is to establish a committee to be called the Meat Industry Consultative Council.

(2) The Council is to consist of 13 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, and

(j) one is to be a representative of consumers of meat.

(3) Schedule 2 has effect with respect to the constitution and procedure of the Council.

48 Functions of Council

(1) The Council has such functions as are conferred or imposed on it by or under this or any other Act.

(2) In particular, the Council has the following functions:

- (a) to provide advice to the Minister on the operations of Safe Food as they relate to the meat industry and on any other matter relating to the meat industry,
- (b) to consult with Safe Food on food safety schemes under the *Food Production (Safety) Act 1998* relating to the meat industry,
- (c) to assist in achieving industry support for the implementation of such food safety schemes,
- (d) to assist in promoting the safe handling of meat to industry and the community.

49 Reports and advice of Council furnished to Minister

- (1) The Minister is to consider any advice furnished by the Council in accordance with section 48 and take such action in the matter as the Minister considers appropriate.
- (2) Without affecting the generality of subsection (1), the Minister may, in relation to any advice concerning the operations of Safe Food:
 - (a) forward the advice to Safe Food for consideration, or
 - (b) in accordance with section 10 of the *Food Production (Safety) Act 1998* give such directions to Safe Food in respect of the matter as the Minister considers appropriate.

50-59 (Repealed)

Part 5A Meat industry levy

Division 1 Amount of meat industry levy

59A Meat industry levy

- (1) In respect of a year commencing on 1 January, a meat industry levy shall be payable to Safe Food by every occupier of land liable to pay an animal health rate in respect of that year under the *Rural Lands Protection Act 1998*.
- (2) The amount of the levy payable by an occupier under subsection (1) is:
 - (a) the sum of \$5 together with an amount calculated at the rate of 0.9 cents (or such other rate as may be prescribed) for each stock unit of the notional carrying capacity of the land, as assessed by or under the *Rural Lands Protection Act 1998*, in respect of which the animal health rate is payable, or
 - (b) \$100 (or such other amount as may be prescribed),whichever is the lesser amount.
- (3) Notice of the amount of the meat industry levy payable under this section shall be

given by service of a written notice on the occupier not later than the prescribed date in each year and may be given by Safe Food or its agent.

- (4) Where an occupier of land is liable to pay 2 or more animal health rates in respect of any land within the same district within the meaning of the *Rural Lands Protection Act 1998*, the amount of the meat industry levy payable may, on the application of the occupier to Safe Food or its agent, be calculated in relation to the combined notional carrying capacity of each area of land in respect of which an animal health rate is payable.
- (5) Where an occupier of land within the same or different districts within the meaning of the *Rural Lands Protection Act 1998* pays to Safe Food or its agents meat industry levies in respect of different parcels of land the total of which exceed \$100 or, if an amount is prescribed for the purposes of subsection (2) (b), that amount, Safe Food or its agent shall, on the application of the occupier, refund to the occupier the amount of the excess.

59B Irregularity

If for any reason notice of the amount of the meat industry levy is not given within or by the time prescribed under this Act, the Minister may extend the time for the giving of the notice.

Division 2 Liability for meat industry levy

59C Liability—generally

- (1) Every meat industry levy shall be due and payable to and recoverable by Safe Food or its agent after the expiration of 31 days after service of the notice referred to in section 59A.
- (2) The occupier of land shall be primarily liable for payment of a meat industry levy payable in respect of that land.
- (3) Two or more occupiers of land who hold jointly or in common shall be jointly and severally liable to Safe Food for a meat industry levy payable in respect of that land, but as between themselves each shall be liable only for such part of the levy as is proportionate to the occupier's interest in the land.
- (4) An occupier referred to in subsection (3) who pays to Safe Food more than the occupier's proportionate part of the meat industry levy may recover the amount of the excess by way of contribution from the other occupier or occupiers, as the case may be.
- (5) Where the name of the occupier liable to pay the meat industry levy is not known to Safe Food or its agent, it shall be sufficient to levy the occupier by the designation of "occupier" without stating the occupier's name.

- (6) Where the whole or part of a meat industry levy is unpaid after the expiration of 12 months after the date on which it became due and payable to and recoverable by Safe Food or its agent, the owner of the land in respect of which the levy is payable shall be liable for payment of the unpaid levy and any interest or any other charges payable in respect of the levy.
- (7) A person who is liable to pay a meat industry levy shall not fail to pay the whole of the levy on or before the due date.
Maximum penalty: 10 penalty units.
- (8) An owner referred to in subsection (6) who pays the whole or part of an unpaid meat industry levy or any interest or charges payable in respect of a levy may recover the amount paid from the occupier of the land concerned.
- (9) Nothing in subsection (6) affects an occupier's liability for payment of a meat industry levy.
- (10) Subsection (6) does not apply to land the subject of a lease, licence or purchase from the Crown.
- (11) Subsections (3) and (4) apply to 2 or more owners of land liable under subsection (6) for payment of an unpaid meat industry levy as if a reference in subsections (3) and (4) to an occupier or occupiers were a reference to those owners.

59D Liability where an estate or interest is transferred

- (1) Where a person ceases to be the occupier or owner of any land in respect of which a meat industry levy is payable, the person shall continue to be liable to Safe Food for the levy to the same extent as if the person had continued to be the occupier or owner of the land, if the notice of the amount of the levy is given either:
 - (a) before the person ceases to be the occupier or owner of the land, or
 - (b) before Safe Food or its agent has received from the person the prescribed notice under section 59E (1) of the person ceasing to be the occupier or owner of the land.
- (2) Where a person who ceases to be the occupier or owner of any land pays to Safe Food or its agent any meat industry levy which becomes due and payable after the person has ceased to be the occupier or owner of the land and before the prescribed notice under section 59E (1) has been received by Safe Food or its agent, the person may recover the amount from any person who thereafter becomes the occupier or owner, as the case may be, of the land.
- (3) As between successive occupiers or owners of land a meat industry levy shall be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

59E Notice of changes in occupancy or ownership of land

- (1) A person shall, within one month of ceasing to be or becoming the occupier or owner of land in respect of which a meat industry levy is payable, give the prescribed notice to Safe Food or its agent.

Maximum penalty: 5 penalty units.

- (2) Proceedings in respect of any offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting proceedings, be commenced at any time within the period of 2 years after the commission of the offence.

59F Liability of person becoming occupier or owner

- (1) A person who, in any year, becomes the occupier or owner of any land in respect of which a meat industry levy is due and payable for that year, shall be liable to Safe Food for that meat industry levy and for all arrears of the levy owing by any previous occupier or owner in respect of the land, whether or not the person became the owner or occupier of the land after the meat industry levy became due and payable.
- (2) Subsection (1) does not affect or extend to an occupier of land the subject of a lease, licence or purchase from the Crown, where the lease or licence is granted or purchase is made after a levy referred to in that subsection is payable, whether or not the land has been previously held under a lease, licence or purchase from the Crown.
- (3) Any person may apply to Safe Food for a certificate under this section as to the amount, if any, due or payable to Safe Food by the occupier or owner of land for a meat industry levy in respect of the land or otherwise.
- (4) An application for a certificate referred to in subsection (3) shall be made in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.
- (5) A certificate referred to in subsection (3) shall be in or to the effect of the prescribed form.
- (6) The production of a certificate referred to in subsection (3) shall be deemed to be conclusive proof in favour of a person who becomes an occupier or owner of the land to which the certificate relates that at the date of the certificate no levies, charges or sums other than those stated in the certificate were due or payable in respect of the land.
- (7) For the purposes of this section levies, charges or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.
- (8) If the occupier or owner of any land pays to Safe Food or its agent any meat industry levy which accrued during the occupancy or ownership of the land by some other person, the occupier or owner may recover from that other person such proportion of

the levy as accrued while that other person was the occupier or owner of the land.

Division 3 Recovery of meat industry levies

59G Facilitation of recovery

- (1) In any proceedings for the recovery of any meat industry levy, objection to the validity of the levy shall not be allowed and shall not prevent the recovery of the levy.
- (2) An occupier or owner desiring to object to the validity of any meat industry levy may object to its validity before a prescribed court in the prescribed manner subject to such conditions and the payment of such fees as may be prescribed.

59H Overdue meat industry levies—extra charges

- (1) Overdue meat industry levies shall be increased in accordance with this section.
- (2) Where the whole or part of a meat industry levy is unpaid after the expiration of 60 days from the date on which the levy became due and payable to and recoverable by Safe Food or its agent, the amount due shall be increased by a sum calculated at the prescribed rate per cent per annum, and the increase shall be deemed to be part of the levy.
- (3) The calculation under subsection (2) shall be made in respect only of as many complete months as have expired between the due date and the date of payment, excluding any remaining portion of a month.
- (4) If in any case the percentage is less than 10 cents, the increase shall be 10 cents.
- (5) This section shall continue to apply to all unpaid levies notwithstanding that judgment may have been obtained in any court, including the District Court.

59I Recovery of meat industry levies

- (1) Any meat industry levies not paid as required by this Part may be recovered by Safe Food or its agent as a debt in any court of competent jurisdiction.
- (2) All meat industry levies due and payable by the same person, whether in respect of occupation or ownership of the same or different land, may be recovered by proceedings in one action or suit.
- (3) Where proceedings referred to in subsection (2) are taken in a Local Court, the proceedings may be taken in the court for the pastures protection district within which any of the land to which the proceedings relate is situated, or in the court nearest to the office of Safe Food or its agent, or to the residence of the defendant, as Safe Food or its agent may decide, whether the levies sought to be recovered are in respect of land occupied within the same or different districts.

- (4) Nothing in this section shall preclude the taking of separate proceedings, or the takings of proceedings in any Local Court available under the *Local Courts (Civil Claims) Act 1970*.

Division 4 Miscellaneous

59J Collection of meat industry levies

- (1) Safe Food may enter into an agreement or arrangement with a board or the State Council within the meaning of the *Rural Lands Protection Act 1998* for or with respect to the issue of notices specifying the amount of a meat industry levy and the undertaking by boards on behalf of Safe Food of the collection and recovery of meat industry levies.
- (2) Without affecting the generality of subsection (1), an agreement or arrangement referred to in subsection (1) may:
 - (a) provide for the deduction of commission by a board, and
 - (b) authorise a board to take any action or proceedings which could be taken by Safe Food to recover unpaid meat industry levies under this Act.

59K Waiver or refund of meat industry levies

- (1) The Minister may, at the Minister's discretion, direct Safe Food:
 - (a) to waive payment of any meat industry levy or part of any meat industry levy, or
 - (b) to refund to an occupier or owner any meat industry levy or part of any meat industry levy,or both.
- (2) The Minister may authorise Safe Food to write off any amount owing to it whether for meat industry levies or otherwise if the Minister is satisfied that the amount is not recoverable.

59L Levy book

- (1) Every meat industry levy shall be entered in a prescribed levy book which shall be kept by Safe Food or its agent in the prescribed form and manner.
- (2) Safe Food or its agent may, in the prescribed manner, make or cause to be made such amendments and may remedy or cause to be remedied such omissions in the entries in the levy book kept by Safe Food as may be necessary.
- (3) Except in the case of formal amendments, an amendment of the levy book kept by Safe Food in respect of the occupier of any holding shall be deemed to be a determination by Safe Food of the amount so payable under a levy by the occupier in

respect of the holding.

(4) In any proceedings for the recovery of any levy:

- (a) an entry in the levy book, the entry being one of a series prescribed to be made, shall be evidence of the matters recorded in the levy book, and
- (b) a copy of an entry in the levy book, the entry being one of a series prescribed to be made, shall be evidence of the entry and of the matters recorded in the levy book.

59M Exemptions

- (1) The regulations may exempt from the operation of all or any of the provisions of this Part any land or any person or class of persons.
- (2) An exemption under subsection (1) may be given unconditionally or subject to such conditions as may be prescribed in respect of the exemption.
- (3) Where an exemption under subsection (1) is given subject to conditions, the exemption does not have effect during any period when the conditions are not complied with.

59N Evidence of agent

In any proceedings for the purposes of this Part, proof shall not, until evidence is given to the contrary, be required of the appointment of an agent of Safe Food.

Part 6 Finance

60-62 (Repealed)

63 Investment

Safe Food may invest money held by it under this Act 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, building society or credit union or in such other manner as the Governor approves or as is prescribed.

64, 65 (Repealed)

66 Fund to be established

All money received under this Act by Safe Food or its officers or employees, and all money appropriated by Parliament for the purposes of the functions of Safe Food under this Act are to go to form a fund out of which may be paid:

- (a) the expenses of the Council, and

(b) all expenses of Safe Food in the carrying out of its functions under this Act.

67 Funding of operations of Safe Food

Safe Food is to ensure, as far as is reasonably practicable, that money received by Safe Food under this Act after the commencement of this section is used for the purposes of carrying out its functions under this Act or in connection with any food safety scheme (within the meaning of the *Food Production (Safety) Act 1998*) relating to the meat industry.

Part 7 Miscellaneous

68-75 (Repealed)

75A Delegation by Minister

- (1) The Minister may delegate to a person the exercise of any of the Minister's functions under this Act, other than this power of delegation.
- (2) A delegation under this section:
 - (a) shall be in writing,
 - (b) may be general or limited, and
 - (c) may be revoked, wholly or partly, by the Minister.
- (3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.
- (4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Minister.
- (5) A delegation under this section does not prevent the exercise of a function by the Minister.
- (6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

76 (Repealed)

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.

77 Regulations

- (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 make provision for:
 - (a) the form, manner of service and time of issue in any year of notices specifying the amount of a meat industry levy, or
 - (b) objections by occupiers to the validity of a meat industry levy, or
 - (c) all other matters incidental to the regulation of meat industry levies.
- (2A) 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).

- (3) A regulation may impose a penalty not exceeding 50 penalty units for an offence against the regulations and, in addition, for a continuing offence, a daily penalty not exceeding 5 penalty units.
- (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
 - (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.

78, 79 (Repealed)

80 Repeals

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

81 Savings and transitional provisions

Schedule 6 has effect.

Schedule 1 Repeals

(Section 80)

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
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

Schedule 2 Constitution and procedure of Meat Industry Consultative Council

(Section 47)

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Council.

Deputy Chairperson means the Deputy Chairperson of the Council.

member means any member of the Council.

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 Council 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 Council, 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 Council.
- (2) A disclosure by a member at a meeting of the Council 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 Council

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 Council.

- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Council otherwise determines:
 - (a) be present during any deliberation of the Council with respect to the matter, or
 - (b) take part in any decision of the Council with respect to the matter.
- (5) For the purposes of the making of a determination by the Council 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 Council for the purpose of making the determination, or
 - (b) take part in the making by the Council of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Council.

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

11 Quorum

The quorum for a meeting of the Council 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 Council.
- (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 Council at which a quorum is present is the decision of the Council.

14 Transaction of business outside meetings or by telephone

- (1) The Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Council 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 Council.
- (2) The Council 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 Council.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Council.
- (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 Council in such manner as the Minister thinks fit.

Schedules 3-5 (Repealed)

Schedule 6 Savings, transitional and other provisions

(Section 81)

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.

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.
- (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) (Repealed)

(6) This clause expires on the day that is 1 month after the day appointed and notified under section 2 (3) of the *Meat Industry (Amendment) Act 1979*.

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

(1) The corporation constituted under section 51, as in force before the commencement of the *Meat Industry (Further Amendment) Act 1978*, 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.

(2) The corporation constituted under section 51, as amended by the *Meat Industry (Further Amendment) Act 1978*, is a continuation of, and the same legal entity as, the Metropolitan Meat Industry Board as constituted under that section immediately before its being amended by that Act.

(3) A reference in any Act, regulation, by-law or other instrument of any kind whatsoever to The Metropolitan Meat Industry Board, constituted under section 8 of the *Meat Industry Act 1915* as in force at any time before the commencement day, or to the Metropolitan Meat Industry Board, constituted under section 51, as in force at any time before 1 January 1979, shall be construed as a reference to the Corporation.

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 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 the person 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 5 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 the person 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 the person as such a servant immediately before the person became such an employee and for the purpose of the person's entitlement under this paragraph the person's 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 the person 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 the person 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.
- (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 the person's 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 the person 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, the person 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 the person would have been entitled to receive under that Act had the person 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 the person continues to be an employee 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.

- 6 The by-laws made under this Act by the Metropolitan Meat Industry Board and in force on 31 December 1978 shall be deemed, on and from 1 January 1979, to have been made under this Act by the Corporation.
- 7 The amendments made by sections 51 and 53 of the *Meat Industry Authority Act 1970* continue to have force and effect as if those sections had not been repealed by this Act.

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.