

[STATE ARMS]

New South Wales

Meat Industry Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Food Production (Safety) Bill 1998*.

Overview of Bill

The object of this Bill is to amend the *Meat Industry Act 1978* ("the Act"):

- (a) to establish a Board of the Meat Industry Authority, and
- (b) to expand the functions of the Meat Industry Authority, and
- (c) to enable regulations to be made on a broad range of matters relating to the handling of meat, for example, requiring the implementation of programs to ensure that the provisions of the Act and the regulations are complied with and providing for the auditing of those programs, and
- (d) to extend the coverage of the Act to rabbits and birds and a variety of game animals that are killed in the field, and
- (e) to license separately game meat processing plants and game meat vans, and
- (f) to license certain retail meat premises (such as butchers' shops) where raw carcasses are further processed, and
- (g) to remove the distinction between meat inspectors and licensing inspectors and to provide that certain functions previously carried out by meat inspectors are to be carried out by meat safety officers to be appointed by licensees, and
- (h) to remove provisions relating to meat markets, slaughter-houses and meat stabilisation schemes, and
- (i) to alter the provisions relating to the terms of licences and the calculation and payment of licence fees, and

- (j) to enable the Authority to engage consultants, and
- (k) to enable seized meat to be detained in the place or vehicle where it was seized and to be destroyed in that place, and
- (l) to remove obsolete provisions relating to the involvement of the Commonwealth in the inspection of meat, and
- (m) to enable the issuing of penalty notices for offences against the Act and the regulations.

The Bill also repeals the *Poultry Processing Act 1969*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Meat Industry Act 1978* set out in Schedule 1.

Clause 4 repeals the *Poultry Processing Act 1969*.

Schedule 1 Amendments

Application of the Act

Schedule 1 [1] and **[5]** extend the definitions of *abattoir animal* and *knackery animal* to include rabbits and birds.

At present, *game animal* is defined in the Act as kangaroo. **Schedule 1 [3]** amends the definition to include a variety of animals that are not husbanded in the manner of farmed animals and that are killed in the field and enables regulations to be made to include other animals in the definition.

Schedule 1 [8] amends the definition of *processed meat* so as to exclude meat products that are cooked and require reheating in order to be ready to eat.

Schedule 1 [11] limits the operation of the Act so that it does not extend to the slaughtering by a person of animals for consumption by the person's family, residents in the person's house, employees of the person or animals kept by the person. At present the operation of the Act is so limited, but only if the slaughtering takes place on a farm.

Licensing amendments

Schedule 1 [12] replaces the current provision setting out the types of licences required under the Act with a new provision that omits slaughter-house licences and includes licences for game meat processing, game meat vans, rendering plants and retail meat premises.

Schedule 1 [16] removes a provision enabling the Authority to refuse to grant certain licences on the grounds that other premises in the area adequately serve the area.

Schedule 1 [17] adjusts the terms of licences so that they have effect on a 12 monthly basis from the date of issue rather than on a calendar year basis.

Schedule 1 [19] removes the current provisions relating to licence fees and enables licence fees to be prescribed by the regulations.

Schedule 1 [21] increases the amount of licence fee that qualifies a licence holder as being able to pay the fee by instalments.

Schedule 1 [22] clarifies that a licence holder must display his or her current licence.

Schedule 1 [23] removes a provision that enables the Authority to refuse approval to alterations or additions to licensed premises having regard to facilities already available.

Schedule 1 [24] enables the Authority to suspend or cancel a licence for non-payment of any amount due to the Authority under the Act.

Schedule 1 [1], [2], [6], [7], [9], [10], [13]–[15], [18], [20], [25], [38], [39], [41], [67]–[69], [71]–

[77], [79]–[83], [90] and [103] contain consequential amendments.

Provisions relating to Meat Industry Authority

Schedule 1 [87] establishes a Board of the Meat Industry Authority consisting of 12 members, holding specified qualifications, appointed by the Minister. **Schedule 1 [95]** contains a consequential amendment.

Schedule 1 [111] provides for the constitution and procedure of the Board.

Schedule 1 [88], [89], [91] and [92] amend the provisions relating to the functions of the Authority to include certain functions such as the implementation of measures designed to ensure that meat intended for human consumption is safe for that purpose, and to remove functions that are no longer required due to the other amendments made by the proposed Act.

Schedule 1 [29] enables the Authority to engage consultants and contractors.

Schedule 1 [96] removes provisions enabling the Authority to appoint managers of council abattoirs.

Inspectors, meat safety officers and inspections

Schedule 1 [27] and [62] remove the provisions relating to the appointment of different inspectors for meat inspection and for licensing and replace them with provisions providing for the appointment of inspectors who carry out all the inspection functions under the Act.

Schedule 1 [66] inserts proposed sections 40A–40C in the Act containing provisions requiring the holder of an abattoir licence or a knackery licence to appoint a meat safety officer who has been approved by the Authority. A meat safety officer for an abattoir or a knackery is to report contraventions of the Act and the regulations to the Authority and may have his or her approval of appointment revoked by the Authority for failing to competently perform a meat safety officer's functions.

Schedule 1 [42]–[46], [48], [49], [56], [57], [78] and [84] transfer the functions of inspection of carcasses in abattoirs and knackereries that are currently carried out by meat inspectors to meat safety officers. Offences are created:

- (a) requiring a holder of a licence for a meat processing plant to use only meat that has been passed as fit for human consumption by a meat safety officer, and
- (b) requiring the holder of a licence for a game meat processing plant to use only game meat that has been passed as fit for human consumption by a person who has been approved by the Authority, and
- (c) requiring the holder of a licence for an animal food processing plant to use only meat that has been passed as fit for use as animal food by a meat safety officer.

Schedule 1 [35] enables an inspector to detain licensed vehicles for the purposes of inspection.

Schedule 1 [58]–[60] enables an inspector to detain meat seized under the Act in the place or vehicle where it was seized. If the allowed time to appeal against the seizure has passed or an appeal has been made but has not been successful, the Authority may direct the owner of the meat to dispose of it or destroy it. The owner must bear the cost of the disposal or destruction.

Schedule 1 [61] enables an inspector to be accompanied and assisted by other persons in the exercise of the inspector's functions.

Schedule 1 [85] and [86] omits obsolete provisions relating to the performance by Commonwealth inspectors of inspections under the Act and inserts provisions enabling inspectors under the Act to certify certain matters in relation to export meat in accordance with arrangements made with the Commonwealth Government.

Schedule 1 [4], [26], [28], [30]–[34], [36], [37], [40], [47], [50]–[54], [63]–[65], [70], [93], [94] and [97]–[102], [104]–[107] contain consequential amendments.

Regulations

Schedule 1 [110] replaces the existing regulation-making power in the Act to omit powers no longer required because of the other amendments made to the Act and to add certain other powers including

the following:

- (d) regulating the handling of meat and prohibiting activities in relation to the handling of meat,
- (e) requiring the preparation, implementation, maintenance and monitoring of programs to ensure that the provisions of the Act and the regulations are complied with,
- (f) the certification and auditing of such programs,
- (g) requiring the preparation of plans in the event of the need for a recall of any meat,
- (h) requiring the giving of information, returns or notices to the Authority by licensees,
- (i) fees or charges for the purposes of the Act.

Schedule 1 [55] makes a consequential amendment.

Miscellaneous amendments

Schedule 1 [109] enables penalty notices to be issued for prescribed offences against the Act or the regulations.

Schedule 1 [108] and **[112]** remove an obsolete reference and Schedule.

Schedule 1 [113]–[115] insert provisions of a savings and transitional nature consequent on the enactment of the proposed Act.