

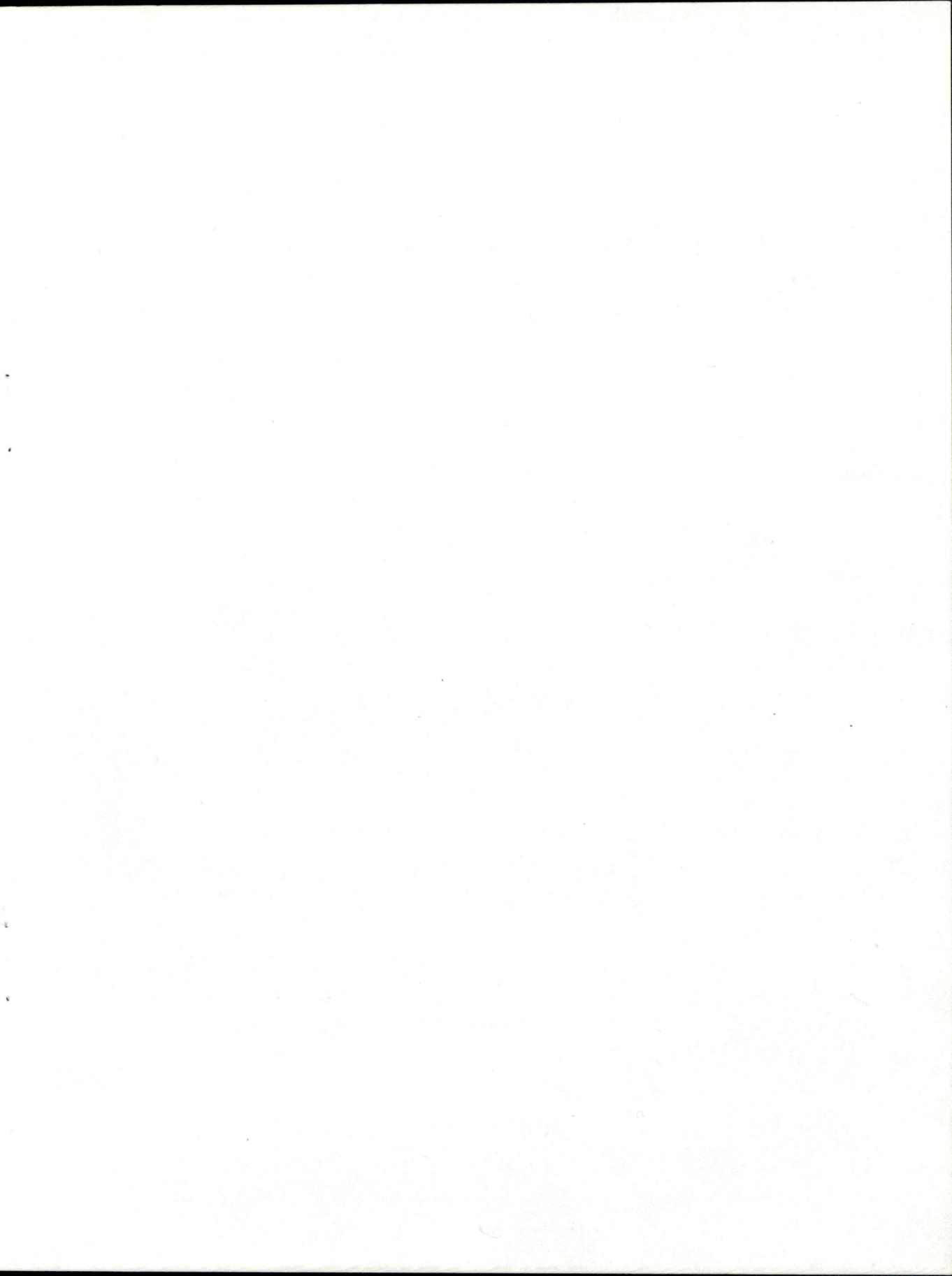
POULTRY PROCESSING (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to make further provision with respect to the powers of inspectors appointed for the purposes of the Poultry Processing Act, 1969 ("the Act") (Schedule 1);
 - (b) to make further provision with respect to the registration of premises under the Act and in particular to require registered plants to conform to certain minimum standards (Schedule 2);
 - (c) to make provision with respect to the importation of poultry meat into the State (Schedule 3);
 - (d) to make further provision with respect to matters in respect of which regulations may be made under the Act (Schedule 4);
 - (e) to increase certain penalties under the Act (Schedule 5);
 - (f) to make further provisions of a minor, consequential or ancillary nature (Schedule 6); and
 - (g) to make amendments to the Act by way of statute law revision (Schedule 7).
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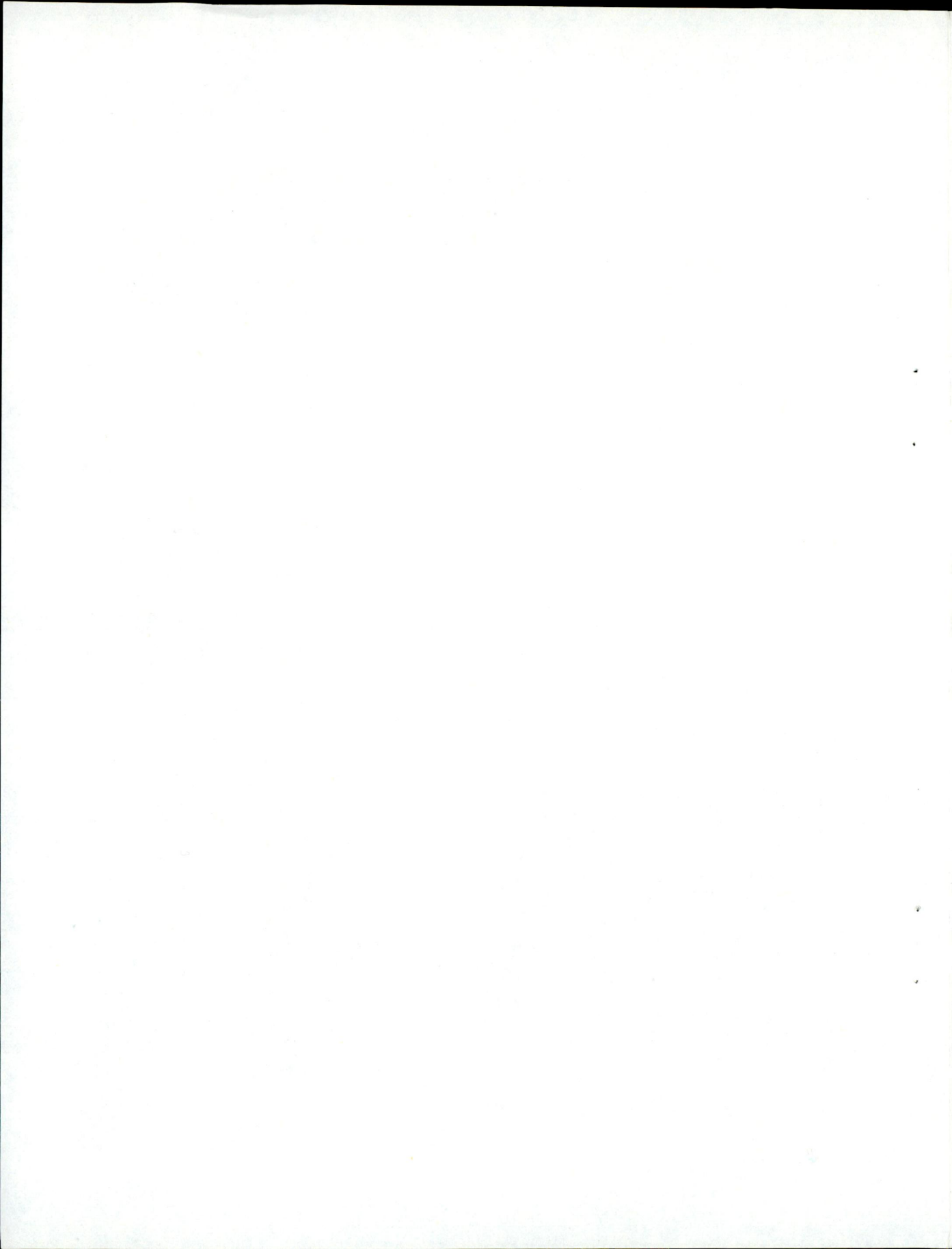


- (b) to make amendments to the Act in order to provide for the... (Section 21)
- (c) to make further provisions as to the... (Section 22)
- (d) to make further provisions as to the... (Section 23)
- (e) to make further provisions as to the... (Section 24)
- (f) to make further provisions as to the... (Section 25)
- (g) to make further provisions as to the... (Section 26)
- (h) to make further provisions as to the... (Section 27)
- (i) to make further provisions as to the... (Section 28)
- (j) to make further provisions as to the... (Section 29)
- (k) to make further provisions as to the... (Section 30)
- (l) to make further provisions as to the... (Section 31)
- (m) to make further provisions as to the... (Section 32)
- (n) to make further provisions as to the... (Section 33)
- (o) to make further provisions as to the... (Section 34)
- (p) to make further provisions as to the... (Section 35)
- (q) to make further provisions as to the... (Section 36)
- (r) to make further provisions as to the... (Section 37)
- (s) to make further provisions as to the... (Section 38)
- (t) to make further provisions as to the... (Section 39)
- (u) to make further provisions as to the... (Section 40)
- (v) to make further provisions as to the... (Section 41)
- (w) to make further provisions as to the... (Section 42)
- (x) to make further provisions as to the... (Section 43)
- (y) to make further provisions as to the... (Section 44)
- (z) to make further provisions as to the... (Section 45)

(The Explanatory Note refers to the Bill as introduced into Parliament)

EXPLANATORY NOTE

HOUSE OF COMMONS (MEMORIAL) BILL 1930



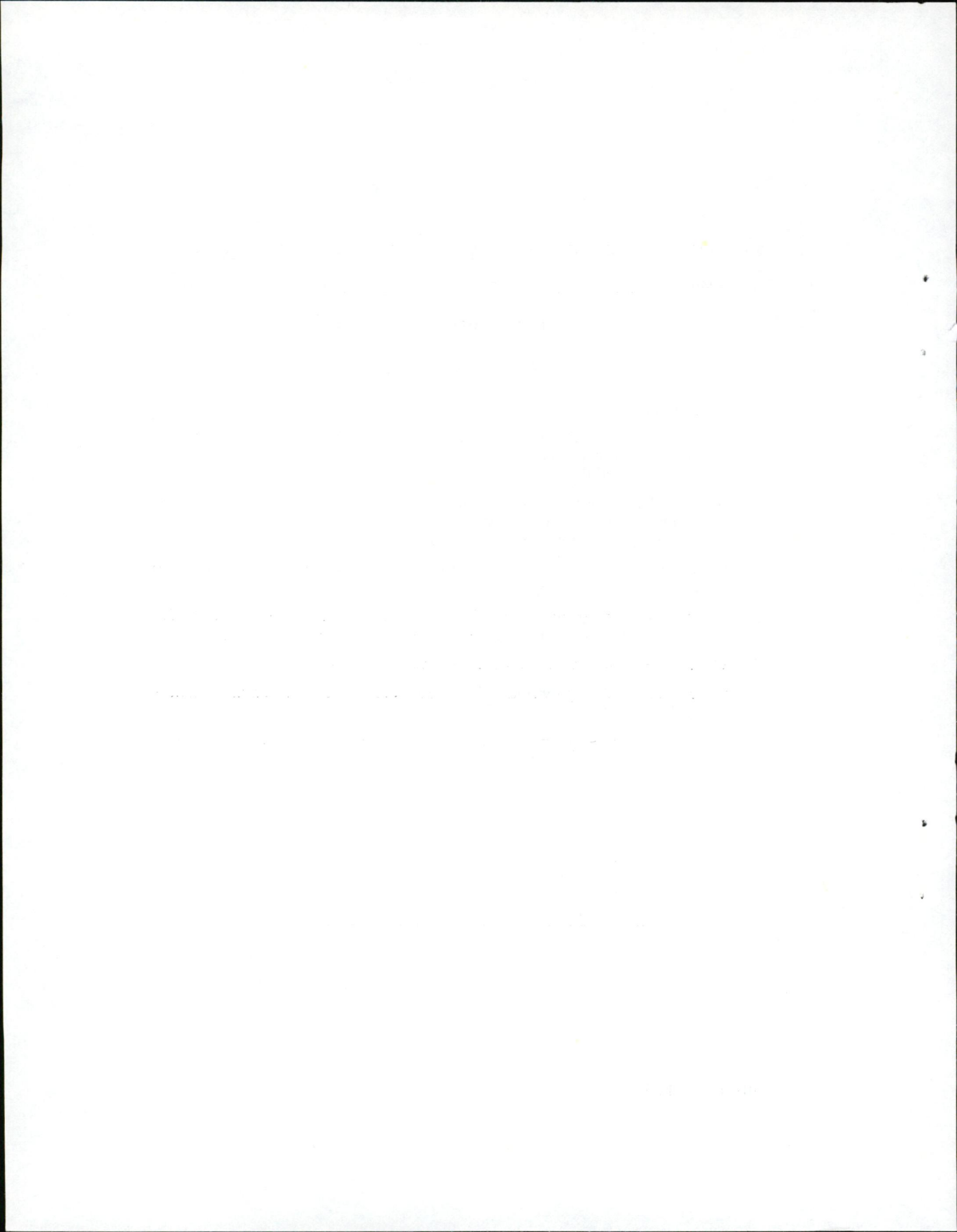
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 - (e) to increase certain penalties under the Act (Schedule 5);
 - (f) to make further provisions of a minor, consequential or ancillary nature (Schedule 6); and
 - (g) to make amendments to the Act by way of statute law revision (Schedule 7).
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POULTRY PROCESSING (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Poultry Processing Act, 1969, to make further provision with respect to the powers of inspectors, to make provision with respect to the importation of poultry meat into the State, to establish standards of construction and hygiene for poultry processing plants and to increase certain penalties.

[MR DAY—7 November, 1979.]

Poultry Processing (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Poultry Processing Short title.
(Amendment) Act, 1979".

2. (1) Except as provided in subsection (2), this Act shall Commence-
commence on the date of assent to this Act. ment.

10 **6** (2) Section 5, in its application to Schedules 1, 2, 3, 4 and
6 (1) (a), (1) (d), (3) and (4), and Schedules 1, 2, 3, 4 and
6 (1) (a), (1) (d), (3) and (4) 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. The Poultry Processing Act, 1969, is referred to in this Principal
15 Act as the Principal Act. Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO POWERS OF INSPECTORS.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO REGISTRATION OF PLANTS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE IMPORTATION OF POULTRY MEAT.

SCHEDULE 4.—AMENDMENTS TO SECTION 16 OF THE
PRINCIPAL ACT RELATING TO REGULATIONS.

25 SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO PENALTIES.

*Poultry Processing (Amendment).*SCHEDULE 6.—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT.SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION.

5 **5.** The Principal Act is amended in the manner set forth in Schedules 1–7. Amendment
of Act No.
45, 1969.

6. A plant that was registered under the Principal Act immediately before the day appointed and notified under section 2 (2) remains registered, subject to the provisions of the Principal Act, as amended by this Act, until— Duration
of certain
registra-
tions.

(a) the 30th June next succeeding that day; or

(b) the expiration of the period of 12 months from the date specified as the date of issue of registration in the certificate of registration relating to the plant and in force immediately before the day appointed and notified under section 2 (2),

whichever first occurs.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS.

(1) (a) Section 2—

From the matter relating to Part II, omit “6”, insert instead “6H”.

(b) Section 2—

From the matter relating to Part IV, omit “–13”, insert instead “, 11”.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

(2) (a) Section 3, definition of “functions”—

5 After the definition of “end weight”, insert :—

“functions” include powers, authorities and duties;

(b) Section 3, definition of “vehicle”—

After the definition of “this Act”, insert :—

“vehicle” includes aeroplane or vessel;

10 (c) Section 3 (2)—

At the end of section 3, insert :—

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, the performance of the duty.

15 (3) Sections 6–6H—

Omit section 6, insert instead :—

6. (1) An inspector may—

(a) at all reasonable times enter and remain in or on—

Power to enter and carry out tests, etc.

20 (i) a registered plant;

(ii) any other premises if he has reasonable cause to suspect that acts done in or on the premises constitute the whole or any part of the process; or

25 (iii) any vehicle if he has reasonable cause to suspect that the vehicle is used for the carriage of poultry to or from a plant or the carriage of poultry meat for sale;

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

- 5 (b) detain any such vehicle for such time as is reasonably necessary for him to exercise any function under this Act;
- (c) inspect any such plant, premises or vehicle and all appurtenances and appliances therein;
- 10 (d) inspect any poultry or poultry meat in or on any such plant, premises or vehicle;
- (e) open any package found in or on any such plant, premises or vehicle, being a package that he suspects on reasonable grounds to contain any poultry or poultry meat;
- 15 (f) carry out, in or on any such plant, premises or vehicle, any test, inspection or investigation in order to ascertain whether the provisions of this Act have been or are being complied with;
- 20 (g) mark (in such manner as to him seems fit) any poultry or poultry meat found in or on any such plant, premises or vehicle for the purpose of identifying the poultry or poultry meat;
- 25 (h) seize and retain any poultry or poultry meat found in or on any such plant, premises or vehicle that, in his opinion, is necessary or expedient to be seized for the purpose of carrying out any test, inspection or investigation or for enforcing the provisions of this Act;
- 30 (i) search and inspect any such plant, premises or vehicle for the presence of, and examine, any accounts, records, books or documents relating to the carrying on of the whole or any part of the process;
- 35 (j) take copies of, or extracts or notes from, any such accounts, records, books or documents; and

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 (k) require any person found in or on any such
plant, premises or vehicle to produce any such
accounts, records, books or documents in his
possession or under his control.

10 (2) A person who fails to comply with any require-
ment made under subsection (1) (k) shall be guilty of an
offence against this Act.

6A. (1) An inspector may, at any plant, give such
directions as he thinks proper—

Inspector's
power to
give
directions.

15 (a) to ensure the hygienic and humane carrying on
of the whole or any part of the process; and

(b) to ensure that any weight gain of carcasses
occurring in consequence of the carrying on of
the whole or any part of the process does not
exceed the prescribed percentage.

20 (2) A direction referred to in subsection (1) that
requires the installation or alteration of any machinery or
equipment has no force or effect unless the direction is in
writing and is given, with the approval of the Chief,
Division of Animal Health, to the operator of the plant in
25 which the machinery or equipment is or is to be installed
or located or in which the equipment is or is to be used.

(3) Without affecting the generality of subsection
(1) or any other provision of this Act, an inspector may
give such directions as are prescribed in respect of any
plant.

30 (4) A person who fails to comply with a direction
given in accordance with this section shall be guilty of an
offence against this Act and shall be liable to a penalty
not exceeding \$1,000.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 6B. (1) An inspector may condemn, as unfit for human consumption, any poultry or poultry meat that is in or on any plant. Condemning of poultry or poultry meat.

10 (2) An inspector may direct that any poultry or poultry meat that is in or on any plant be treated, in a specified manner and within a specified time, for the purpose of making or keeping it fit for human consumption.

(3) Without limiting the generality of subsection (1), where a direction under subsection (2) is not complied with, an inspector may condemn the poultry or poultry meat as unfit for human consumption.

15 (4) Where any poultry or poultry meat is condemned under subsection (1) or (3) as unfit for human consumption, an inspector may mark (in such manner as to him seems fit) the poultry or poultry meat for the purpose of identification and, if he thinks fit, seize the
20 poultry or poultry meat and cause it to be destroyed or otherwise disposed of.

25 6C. Any poultry or poultry meat seized under section 6 (1) (h) or 6B (4) shall become the absolute property of the Crown and no compensation shall be payable in respect of the seizure. No compensation for seizure.

6D. (1) An inspector may—

30 (a) at all reasonable times enter and remain in or on any premises if he has reasonable cause to suspect that the premises are being used for the storage or custody of any accounts, records, books or documents relating to the carrying on of the whole or any part of the process; Inspection of books.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

- 5 (b) search and inspect any such premises 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
- 10 (d) require any person found in or on any such premises to produce any such accounts, records, books or documents in his possession or under his control.

(2) A person who fails to comply with any requirement made under subsection (1) (d) shall be guilty of an offence against this Act.

6E. (1) An inspector may require any operator of a plant or any person employed in or about— Questions by inspectors.

- (a) a registered plant;
- (b) premises referred to in section 6 (1) (a) (ii);
- 20 (c) a vehicle referred to in section 6 (1) (a) (iii); or
- (d) premises referred to in section 6D (1) (a) on or in which the inspector has found accounts, records, books or documents referred to in section 6D (1) (a),

25 to answer questions relating to the observance of this Act or to any matter in connection with the exercise of the inspector's functions or the execution of this Act.

(2) A person who, when required to answer a question under subsection (1)—

- 30 (a) except as provided by subsection (3), refuses or fails to answer the question; or

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 (b) makes any answer which is false or misleading
in a material particular,
shall be guilty of an offence against this Act.

10 (3) A person is not required to answer any question
asked of him under subsection (1) unless he has first been
informed by the inspector asking the question that he is
required to answer the question by virtue of this section.

(4) A person may not refuse to answer a question
asked of him under subsection (1) on the ground that his
so doing might tend to incriminate him or make him liable
to any penalty.

15 (5) Any answer given by a person pursuant to a
requirement made under subsection (1) after he has been
informed in the manner set forth in subsection (3) shall
not be admissible in evidence in any proceedings, civil or
20 criminal, against him, 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.

25 6F. An inspector, in exercising at any premises or in Proof of
relation to any vehicle any function under this Act, shall, identity.
if so requested by any person apparently in charge of—

(a) the premises or vehicle; or

30 (b) any act carried out in or on the premises, being
an act constituting part of the process,

produce his certificate of identification to the person.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 6G. An inspector may be accompanied by and use such Assistance.
persons as he considers necessary to assist him in the
exercise of his functions under this Act.

6H. A person who delays, obstructs, hinders or Obstructing
impedes— inspector.

10 (a) an inspector in the exercise of his functions under
this Act; or

(b) a person assisting an inspector in the exercise of
his functions under this Act,

shall be guilty of an offence against this Act.

(4) Sections 12, 13—

15 Omit the sections.

(5) Section 14 (b)—

After “test”, insert “, inspection”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS.

20

(1) Section 2—

From the matter relating to Part III, omit “9”, insert instead
“9B”.

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

(2) (a) Section 3, definition of “plant”—

5 Omit the definition, insert instead :—

“plant” means any premises used or intended to be used for or in connection with the carrying on of the whole or any part of the process;

(b) Section 3, definitions of “premises”, “process”—

10 Omit the definition of “process”, insert instead :—

“premises” means a building or structure or any part of a building or structure or an area of land, with or without improvements;

15 “process” means any act done in relation to the production of poultry meat for sale, whether as raw meat or cooked meat, being an act which involves the handling by any means of raw poultry meat and includes—

20 (a) the delivery of poultry to any premises for killing;

(b) the killing of poultry;

(c) the evisceration and cleaning of carcasses;

(d) the cutting up of poultry meat;

25 (e) the boning of poultry meat; and

(f) the packaging of poultry meat,

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

5 but does not include any act done on premises
comprising—

(g) a retail shop or store (including a retail
butcher's shop and a retail drive-in
take-away food shop) where the act
is done solely for the purpose of
10 the retail business carried on in that
shop or store;

(h) a restaurant where the act is done
solely for the purpose of providing
meals for the customers of the
15 restaurant; or

(i) prescribed premises or premises of a
prescribed class or description where
the act is done solely for a prescribed
purpose;

20 (3) (a) Section 9 (2) (c)—

Omit the paragraph, insert instead :—

(c) be accompanied by—
(i) the prescribed maps or plans or other
prescribed documents or information;
25 and
(ii) the prescribed fee.

(b) Section 9 (2A)—

After section 9 (2), insert :—

(2A) An application for registration or for renewal
of registration shall be refused if the plant in respect
of which the application is sought does not comply
30 with the prescribed minimum standards.

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

(c) Section 9 (3A)—

5 After section 9 (3), insert :—

(3A) Plants may, for the purpose of registration,
be classified by reference to—

(a) capacity to produce poultry meat for sale;

(b) floor space; or

10 (c) such other factors as may be prescribed.

(d) Section 9 (4)—

After “except”, insert “as provided by subsection (2A)
and except”.

(e) Section 9 (4)—

15 Omit “in respect of processing carcasses”, insert
instead “of processing”.

(f) Section 9 (4)—

Omit “Registration shall be in force for a period of
twelve months from the date of its issue.”.

20 (g) Section 9 (4A), (4B)—

After section 9 (4), insert :—

25 (4A) Registration shall be in force for a period
from the date specified as the date of issue of
registration in the certificate of registration until the
30th June next succeeding that date.

(4B) A certificate of registration may be issued
subject to such conditions and restrictions as may be
specified in the certificate.

Poultry Processing (Amendment).

SCHEDULE 2—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF PLANTS—continued.

(h) Section 9 (5)—

5 Omit "During", insert instead "Except as provided by the regulations, during".

(4) Sections 9A, 9B—

After section 9, insert :—

10 9A. Where the operator of a registered plant makes any structural alterations or additions to the plant without having first obtained the approval in writing of the Minister, he shall be guilty of an offence against this Act.

15 9B. (1) The Minister may suspend the registration of a plant for such period as he thinks fit, or may cancel that registration, if the plant does not comply with any prescribed minimum standards.

(2) The Minister shall not suspend or cancel the registration of a plant under subsection (1) unless—

20 (a) he has first served on the operator of the plant a notice specifying the standards that have been breached and stating that, unless the breach is rectified within a reasonable time specified in the notice, the Minister will suspend or cancel the registration; and

25 (b) the breach so specified has not been rectified within the time so specified.

(4B) A certificate of registration may be issued subject to such conditions and restrictions as may be specified in the certificate.

Poultry Processing (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE IMPORTATION OF POULTRY MEAT.

(1) Section 2—

5 After the matter relating to Part IV, insert :—

PART IVA.—IMPORTATION OF POULTRY MEAT—s.
13A.

(2) Part IVA—

After Part IV, insert :—

10 PART IVA.

IMPORTATION OF POULTRY MEAT.

13A. (1) A person shall not bring or cause, direct or authorise to be brought into the State any poultry meat for sale in the State unless—

Importation of poultry meat.

15 (a) the poultry from which it came was processed—

(i) at a plant that was, at the time when the poultry was processed, approved by instrument in writing by the Chief, Division of Animal Health, for the purposes of this subsection; or

20 (ii) in such other circumstances as may be prescribed; and

(b) there appears on any package containing the poultry meat the prescribed information.

25 (2) Where a plant is approved for the purposes of subsection (1), the Chief, Division of Animal Health, shall forward a copy of the instrument of approval to the operator of the plant to which the approval relates.

Poultry Processing (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
IMPORTATION OF POULTRY MEAT—*continued.*

5 (3) The Chief, Division of Animal Health, may,
by notice in writing served on the operator of a plant
approved for the purposes of subsection (1), revoke the
approval as from a date specified in the notice, and the
plant shall cease to be so approved on that date.

10 (4) In any proceedings against any person for a
contravention of or failure to comply with subsection (1),
a certificate under the hand of the Chief, Division of Animal
Health, stating that on a date specified in the certificate
a plant was not approved for the purposes of subsection (1)
shall be admissible in evidence and shall be prima facie
15 evidence of the facts stated in the certificate.

(5) The regulations may provide that in any
proceedings against any person for a contravention of or
failure to comply with subsection (1), the onus of proof
that any circumstances prescribed for the purposes of sub-
20 section (1) (a) (ii) existed or were satisfied at any relevant
time shall lie on the defendant.

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS.

25 (1) Section 16 (1) (a)—

After “plants”, insert “and the time within which
applications for the renewal of registration of plants”.

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

(2) Section 16 (1) (a1)–(a9)—

- 5 After section 16 (1) (a), insert :—
- (a1) the construction, installation, maintenance, repair,
alteration or extension of—
 - (i) the buildings or works on any land that
forms part of any registered plant; or
 - 10 (ii) any machinery or equipment in or on a
registered plant;
 - (a2) the keeping of records by the operators of registered
plants, including records relating to the reports of
inspectors made in respect of those plants;
 - 15 (a3) the functions of inspectors relating to—
 - (i) the hygienic and humane carrying on of the
whole or any part of the process at
registered plants; or
 - (ii) the construction, installation, maintenance,
20 repair, alteration or extension of any build-
ings or works on any land that forms part
of a registered plant or any machinery or
equipment in or on a registered plant;
 - 25 (a4) the issue of certificates of registration including the
fees to be paid therefor, and the suspension or
cancellation of registration on such grounds as may
be specified in the regulations;
 - 30 (a5) the varying of conditions or restrictions specified
in a certificate of registration or the deleting from
a certificate of registration of any conditions or
restrictions;
 - (a6) applications for approvals referred to in section 9A
and the determination of those applications;
 - (a7) the refunding of any fees;

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 (a8) the provision at a registered plant of suitable accommodation for use by inspectors in the exercise of their functions;
- (a9) the clothing to be worn in or on a registered plant by persons in or on a registered plant;
- (3) Section 16 (1) (b)—
- 10 Omit :—
- a carcass as to the presence or absence in or on the carcass of—
- (i) any giblets; or
- (ii) any prescribed part of poultry;
- 15 insert instead “poultry meat;”.
- (4) Section 16 (1) (c)—
- After “carcass”, insert “for sale”.
- (5) Section 16 (1) (c)—
- After “packing”, insert “for sale”.
- 20 (6) Section 16 (1) (e1), (e2)—
- After section 16 (1) (e), insert :—
- (e1) prescribing or regulating tests for the purpose of determining whether the provisions of this Act have been or are being complied with;

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 (e2) prescribing, for the purposes of this Act or any test, inspection or investigation under this Act, the time at which or the circumstances under which the draining of a carcass shall be deemed to have been completed in the course of the process; and

(7) Section 16 (3)—

10 Omit the subsection, insert instead :—

(3) A provision of a regulation (including a regulation made for the purpose of prescribing any minimum standards for the purposes of this Act) may—

- 15 (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;
- 20 (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
- 25 (d) adopt wholly or partially by reference any codes, rules, specifications or provisions which relate to any matter with which the regulation deals and which are—
- (i) recommended or adopted by the Standards Association of Australia;
- (ii) recommended or adopted by any other standards organisation or body of any place outside Australia, being an organisation or a body declared by the
- 30 Minister, by order published in the

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 Gazette, to be an approved standards
organisation or body for the purposes of
this subsection;
- (iii) included in any document issued by any
Department of the Crown in right of this
10 or any other State or the Commonwealth
or issued by any instrumentality of this
or any other State or the Commonwealth
constituted by an Act of the Parliament
thereof; or
- (iv) approved by the Minister and published
15 in the Gazette,
- together with any additions or amendments
thereto that are specified in the regulation,
or may do any combination of those things.

SCHEDULE 5.

Sec. 5.

20 AMENDMENTS TO THE PRINCIPAL ACT RELATING
TO PENALTIES.

- (1) Section 7 (2)—
Omit “five hundred dollars”, insert instead “\$1,000”.
- (2) Section 10 (2)—
25 Omit “two thousand dollars”, insert instead “\$2,000”.

Poultry Processing (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING
TO PENALTIES—*continued.*

- (3) Section 15 (1)—
- 5 Omit “two hundred dollars”, insert instead “\$500”.
- (4) Section 16 (2)—
- Omit “two hundred dollars”, insert instead “\$400”.

SCHEDULE 6.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

- 10 (1) (a) Section 3, definition of “Chief, Division of Animal Health”—
- After the definition of “carcass”, insert :—
- 15 “Chief, Division of Animal Health” means the person for the time being holding office or acting as the Chief, Division of Animal Health, Department of Agriculture;
- (b) Section 3, definition of “package”—
- After the definition of “operator”, insert :—
- 20 “package” includes any receptacle and any covering;
- (c) Section 3, definition of “poultry”—
- After the definition of “plant”, insert :—
- “poultry” means any live or dead bird;

Poultry Processing (Amendment).

SCHEDULE 6—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(d) Section 3, definition of “poultry meat”—

5

After the definition of “poultry”, insert :—

“poultry meat” means the whole or any part of a
carcass, whether eviscerated or not;

(2) Section 4—

Omit the section, insert instead:—

10

4. (1) The Minister may, by order published in the
Gazette, direct that the whole of this Act or any provisions
of this Act specified in the order—

Exemption
from
operation
of Act.

15

(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.

20

(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.

(3) Section 10 (3), (4)—

25

Omit “the processing of carcasses” wherever occurring,
insert instead “processing”.

Poultry Processing (Amendment).

SCHEDULE 6—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (4) Section 11 (1)—
- 5 Omit "carcass" wherever occurring, insert instead "poultry
meat".

SCHEDULE 7.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY
OF STATUTE LAW REVISION.

- 10 (1) Section 1 (3)—
Omit the subsection.
- (2) Section 3, definition of "prescribed"—
Omit the definition.
- (3) Section 5 (1)—
- 15 Omit "Public Service Act, 1902, as subsequently amended",
insert instead "Public Service Act, 1979".
- (4) Section 9 (4)—
Omit "subsection (3) of section 10", insert instead "section
10 (3)".
- 20 (5) Section 10 (5)—
Omit "in the district in which the plant is situated".

Poultry Processing (Amendment).

SCHEDULE 7—continued.

**AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—continued.**

(6) Section 16 (4), (5)—

5 Omit the subsections, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

POULTRY PROCESSING (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Poultry Processing Act, 1969, to make further provision with respect to the powers of inspectors, to make provision with respect to the importation of poultry meat into the State, to establish standards of construction and hygiene for poultry processing plants and to increase certain penalties.

[MR DAY—7 November, 1979.]

Poultry Processing (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Poultry Processing Short title.
(Amendment) Act, 1979".

2. (1) Except as provided in subsection (2), this Act shall Commence-
commence on the date of assent to this Act. ment.

(2) Section 5, in its application to Schedules 1, 2, 3, 4 and
10 6 (1) (a), (1) (d), (3) and (4), and Schedules 1, 2, 3, 4 and
6 (1) (a), (1) (d), (3) and (4) 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. The Poultry Processing Act, 1969, is referred to in this Principal
15 Act as the Principal Act. Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO POWERS OF INSPECTORS.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO REGISTRATION OF PLANTS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE IMPORTATION OF POULTRY MEAT.

SCHEDULE 4.—AMENDMENTS TO SECTION 16 OF THE
PRINCIPAL ACT RELATING TO REGULATIONS.

25 SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO PENALTIES.

Poultry Processing (Amendment).

SCHEDULE 6.—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION.

- 5 **5.** The Principal Act is amended in the manner set forth in Schedules 1–7. Amendment
of Act No.
45, 1969.
6. A plant that was registered under the Principal Act immediately before the day appointed and notified under section 2 (2) remains registered, subject to the provisions of the Principal Act, as amended by this Act, until— Duration
of certain
registra-
tions.
- 10 (a) the 30th June next succeeding that day; or
- (b) the expiration of the period of 12 months from the date specified as the date of issue of registration in the certificate of registration relating to the plant and in force immediately before the day appointed and notified
- 15 under section 2 (2),
- whichever first occurs.

SCHEDULE 1.

Sec. 5.

20 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
 POWERS OF INSPECTORS.

- (1) (a) Section 2—
- From the matter relating to Part II, omit “6”, insert instead “6H”.
- (b) Section 2—
- 25 From the matter relating to Part IV, omit “–13”, insert instead “, 11”.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

(2) (a) Section 3, definition of “functions”—

5 After the definition of “end weight”, insert :—

“functions” include powers, authorities and duties;

(b) Section 3, definition of “vehicle”—

After the definition of “this Act”, insert :—

“vehicle” includes aeroplane or vessel;

10 (c) Section 3 (2)—

At the end of section 3, insert :—

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, the performance of the duty.

15 (3) Sections 6–6H—

Omit section 6, insert instead :—

6. (1) An inspector may—

(a) at all reasonable times enter and remain in or on—

Power to enter and carry out tests, etc.

20 (i) a registered plant;

(ii) any other premises if he has reasonable cause to suspect that acts done in or on the premises constitute the whole or any part of the process; or

25 (iii) any vehicle if he has reasonable cause to suspect that the vehicle is used for the carriage of poultry to or from a plant or the carriage of poultry meat for sale;

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

- 5 (b) detain any such vehicle for such time as is reasonably necessary for him to exercise any function under this Act;
- (c) inspect any such plant, premises or vehicle and all appurtenances and appliances therein;
- 10 (d) inspect any poultry or poultry meat in or on any such plant, premises or vehicle;
- (e) open any package found in or on any such plant, premises or vehicle, being a package that he suspects on reasonable grounds to contain any poultry or poultry meat;
- 15 (f) carry out, in or on any such plant, premises or vehicle, any test, inspection or investigation in order to ascertain whether the provisions of this Act have been or are being complied with;
- 20 (g) mark (in such manner as to him seems fit) any poultry or poultry meat found in or on any such plant, premises or vehicle for the purpose of identifying the poultry or poultry meat;
- 25 (h) seize and retain any poultry or poultry meat found in or on any such plant, premises or vehicle that, in his opinion, is necessary or expedient to be seized for the purpose of carrying out any test, inspection or investigation or for enforcing the provisions of this Act;
- 30 (i) search and inspect any such plant, premises or vehicle for the presence of, and examine, any accounts, records, books or documents relating to the carrying on of the whole or any part of the process;
- 35 (j) take copies of, or extracts or notes from, any such accounts, records, books or documents; and

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 (k) require any person found in or on any such
plant, premises or vehicle to produce any such
accounts, records, books or documents in his
possession or under his control.

10 (2) A person who fails to comply with any require-
ment made under subsection (1) (k) shall be guilty of an
offence against this Act.

6A. (1) An inspector may, at any plant, give such
directions as he thinks proper—

Inspector's
power to
give
directions.

15 (a) to ensure the hygienic and humane carrying on
of the whole or any part of the process; and

(b) to ensure that any weight gain of carcasses
occurring in consequence of the carrying on of
the whole or any part of the process does not
exceed the prescribed percentage.

20 (2) A direction referred to in subsection (1) that
requires the installation or alteration of any machinery or
equipment has no force or effect unless the direction is in
writing and is given, with the approval of the Chief,
Division of Animal Health, to the operator of the plant in
25 which the machinery or equipment is or is to be installed
or located or in which the equipment is or is to be used.

(3) Without affecting the generality of subsection
(1) or any other provision of this Act, an inspector may
give such directions as are prescribed in respect of any
plant.

30 (4) A person who fails to comply with a direction
given in accordance with this section shall be guilty of an
offence against this Act and shall be liable to a penalty
not exceeding \$1,000.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 6B. (1) An inspector may condemn, as unfit for human consumption, any poultry or poultry meat that is in or on any plant. Condemning
of poultry
or poultry
meat.

10 (2) An inspector may direct that any poultry or poultry meat that is in or on any plant be treated, in a specified manner and within a specified time, for the purpose of making or keeping it fit for human consumption.

(3) Without limiting the generality of subsection (1), where a direction under subsection (2) is not complied with, an inspector may condemn the poultry or poultry meat as unfit for human consumption.

15 (4) Where any poultry or poultry meat is condemned under subsection (1) or (3) as unfit for human consumption, an inspector may mark (in such manner as to him seems fit) the poultry or poultry meat for the purpose of identification and, if he thinks fit, seize the
20 poultry or poultry meat and cause it to be destroyed or otherwise disposed of.

25 6C. Any poultry or poultry meat seized under section 6 (1) (h) or 6B (4) shall become the absolute property of the Crown and no compensation shall be payable in respect of the seizure. No compen-
sation for
seizure.

6D. (1) An inspector may—

30 (a) at all reasonable times enter and remain in or on any premises if he has reasonable cause to suspect that the premises are being used for the storage or custody of any accounts, records, books or documents relating to the carrying on of the whole or any part of the process; Inspection
of books.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

- 5 (b) search and inspect any such premises 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;
- 10 (d) require any person found in or on any such premises to produce any such accounts, records, books or documents in his possession or under his control.

15 (2) A person who fails to comply with any requirement made under subsection (1) (d) shall be guilty of an offence against this Act.

6E. (1) An inspector may require any operator of a plant or any person employed in or about— Questions by inspectors.

- (a) a registered plant;
- (b) premises referred to in section 6 (1) (a) (ii);
- 20 (c) a vehicle referred to in section 6 (1) (a) (iii); or
- (d) premises referred to in section 6D (1) (a) on or in which the inspector has found accounts, records, books or documents referred to in section 6D (1) (a),

25 to answer questions relating to the observance of this Act or to any matter in connection with the exercise of the inspector's functions or the execution of this Act.

(2) A person who, when required to answer a question under subsection (1)—

- 30 (a) except as provided by subsection (3), refuses or fails to answer the question; or

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

- 5 (b) makes any answer which is false or misleading
in a material particular,
shall be guilty of an offence against this Act.
- 10 (3) A person is not required to answer any question
asked of him under subsection (1) unless he has first been
informed by the inspector asking the question that he is
required to answer the question by virtue of this section.
- (4) A person may not refuse to answer a question
asked of him under subsection (1) on the ground that his
so doing might tend to incriminate him or make him liable
to any penalty.
- 15 (5) Any answer given by a person pursuant to a
requirement made under subsection (1) after he has been
informed in the manner set forth in subsection (3) shall
not be admissible in evidence in any proceedings, civil or
20 criminal, against him, 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.
- 25 6F. An inspector, in exercising at any premises or in Proof of
relation to any vehicle any function under this Act, shall, identity.
if so requested by any person apparently in charge of—
- (a) the premises or vehicle; or
- 30 (b) any act carried out in or on the premises, being
an act constituting part of the process,
produce his certificate of identification to the person.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
POWERS OF INSPECTORS—*continued.*

5 6G. An inspector may be accompanied by and use such Assistance.
persons as he considers necessary to assist him in the
exercise of his functions under this Act.

6H. A person who delays, obstructs, hinders or Obstructing
impedes— inspector.

10 (a) an inspector in the exercise of his functions under
this Act; or

(b) a person assisting an inspector in the exercise of
his functions under this Act,

shall be guilty of an offence against this Act.

(4) Sections 12, 13—

15 Omit the sections.

(5) Section 14 (b)—

After “test”, insert “, inspection”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS.

20

(1) Section 2—

From the matter relating to Part III, omit “9”, insert instead
“9B”.

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

(2) (a) Section 3, definition of “plant”—

5 Omit the definition, insert instead :—

“plant” means any premises used or intended to be used for or in connection with the carrying on of the whole or any part of the process;

(b) Section 3, definitions of “premises”, “process”—

10 Omit the definition of “process”, insert instead :—

“premises” means a building or structure or any part of a building or structure or an area of land, with or without improvements;

15 “process” means any act done in relation to the production of poultry meat for sale, whether as raw meat or cooked meat, being an act which involves the handling by any means of raw poultry meat and includes—

20 (a) the delivery of poultry to any premises for killing;

(b) the killing of poultry;

(c) the evisceration and cleaning of carcasses;

(d) the cutting up of poultry meat;

25 (e) the boning of poultry meat; and

(f) the packaging of poultry meat,

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

5 but does not include any act done on premises
comprising—

(g) a retail shop or store (including a retail
butcher's shop and a retail drive-in
take-away food shop) where the act
is done solely for the purpose of
10 the retail business carried on in that
shop or store;

(h) a restaurant where the act is done
solely for the purpose of providing
meals for the customers of the
15 restaurant; or

(i) prescribed premises or premises of a
prescribed class or description where
the act is done solely for a prescribed
purpose;

20 (3) (a) Section 9 (2) (c)—

Omit the paragraph, insert instead :—

(c) be accompanied by—

(i) the prescribed maps or plans or other
prescribed documents or information;
25 and

(ii) the prescribed fee.

(b) Section 9 (2A)—

After section 9 (2), insert :—

(2A) An application for registration or for renewal
of registration shall be refused if the plant in respect
30 of which the application is sought does not comply
with the prescribed minimum standards.

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

(c) Section 9 (3A)—

5 After section 9 (3), insert :—

(3A) Plants may, for the purpose of registration,
be classified by reference to—

(a) capacity to produce poultry meat for sale;

(b) floor space; or

10 (c) such other factors as may be prescribed.

(d) Section 9 (4)—

After “except”, insert “as provided by subsection (2A)
and except”.

(e) Section 9 (4)—

15 Omit “in respect of processing carcasses”, insert
instead “of processing”.

(f) Section 9 (4)—

Omit “Registration shall be in force for a period of
twelve months from the date of its issue.”.

20 (g) Section 9 (4A), (4B)—

After section 9 (4), insert :—

25 (4A) Registration shall be in force for a period
from the date specified as the date of issue of
registration in the certificate of registration until the
30th June next succeeding that date.

(4B) A certificate of registration may be issued
subject to such conditions and restrictions as may be
specified in the certificate.

Poultry Processing (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION OF PLANTS—*continued.*

(h) Section 9 (5)—

- 5 Omit “During”, insert instead “Except as provided
by the regulations, during”.

(4) Sections 9A, 9B—

After section 9, insert :—

10 9A. Where the operator of a registered plant makes any structural alterations or additions to the plant without having first obtained the approval in writing of the Minister, he shall be guilty of an offence against this Act. Structural alterations to registered plant.

15 9B. (1) The Minister may suspend the registration of a plant for such period as he thinks fit, or may cancel that registration, if the plant does not comply with any prescribed minimum standards. Suspension or cancellation of registration.

(2) The Minister shall not suspend or cancel the registration of a plant under subsection (1) unless—

- 20 (a) he has first served on the operator of the plant a notice specifying the standards that have been breached and stating that, unless the breach is rectified within a reasonable time specified in the notice, the Minister will suspend or cancel the registration; and
- 25 (b) the breach so specified has not been rectified within the time so specified.
-

Poultry Processing (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
IMPORTATION OF POULTRY MEAT.

(1) Section 2—

5 After the matter relating to Part IV, insert :—

PART IVA.—IMPORTATION OF POULTRY MEAT—s.
13A.

(2) Part IVA—

After Part IV, insert :—

10

PART IVA.

IMPORTATION OF POULTRY MEAT.

13A. (1) A person shall not bring or cause, direct or
authorise to be brought into the State any poultry meat for
sale in the State unless—

Importa-
tion of
poultry
meat.

15

(a) the poultry from which it came was processed—

(i) at a plant that was, at the time when
the poultry was processed, approved by
instrument in writing by the Chief,
Division of Animal Health, for the
purposes of this subsection; or

20

(ii) in such other circumstances as may be
prescribed; and

(b) there appears on any package containing the
poultry meat the prescribed information.

25

(2) Where a plant is approved for the purposes of
subsection (1), the Chief, Division of Animal Health, shall
forward a copy of the instrument of approval to the operator
of the plant to which the approval relates.

Poultry Processing (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
IMPORTATION OF POULTRY MEAT—*continued.*

5 (3) The Chief, Division of Animal Health, may,
by notice in writing served on the operator of a plant
approved for the purposes of subsection (1), revoke the
approval as from a date specified in the notice, and the
plant shall cease to be so approved on that date.

10 (4) In any proceedings against any person for a
contravention of or failure to comply with subsection (1),
a certificate under the hand of the Chief, Division of Animal
Health, stating that on a date specified in the certificate
a plant was not approved for the purposes of subsection (1)
15 shall be admissible in evidence and shall be prima facie
evidence of the facts stated in the certificate.

20 (5) The regulations may provide that in any
proceedings against any person for a contravention of or
failure to comply with subsection (1), the onus of proof
that any circumstances prescribed for the purposes of sub-
section (1) (a) (ii) existed or were satisfied at any relevant
time shall lie on the defendant.

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS.

25 (1) Section 16 (1) (a)—

After “plants”, insert “and the time within which
applications for the renewal of registration of plants”.

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

(2) Section 16 (1) (a1)–(a9)—

- 5 After section 16 (1) (a), insert :—
- (a1) the construction, installation, maintenance, repair,
alteration or extension of—
 - 10 (i) the buildings or works on any land that
 forms part of any registered plant; or
 - (ii) any machinery or equipment in or on a
 registered plant;
 - (a2) the keeping of records by the operators of registered
plants, including records relating to the reports of
inspectors made in respect of those plants;
 - 15 (a3) the functions of inspectors relating to—
 - (i) the hygienic and humane carrying on of the
 whole or any part of the process at
 registered plants; or
 - 20 (ii) the construction, installation, maintenance,
 repair, alteration or extension of any build-
 ings or works on any land that forms part
 of a registered plant or any machinery or
 equipment in or on a registered plant;
 - 25 (a4) the issue of certificates of registration including the
 fees to be paid therefor, and the suspension or
 cancellation of registration on such grounds as may
 be specified in the regulations;
 - 30 (a5) the varying of conditions or restrictions specified
 in a certificate of registration or the deleting from
 a certificate of registration of any conditions or
 restrictions;
 - (a6) applications for approvals referred to in section 9A
 and the determination of those applications;
 - (a7) the refunding of any fees;

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 (a8) the provision at a registered plant of suitable accommodation for use by inspectors in the exercise of their functions;
- (a9) the clothing to be worn in or on a registered plant by persons in or on a registered plant;

(3) Section 16 (1) (b)—

10 Omit :—

a carcass as to the presence or absence in or on the carcass of—

- (i) any giblets; or
- (ii) any prescribed part of poultry;

15 insert instead “poultry meat;”.

(4) Section 16 (1) (c)—

After “carcass”, insert “for sale”.

(5) Section 16 (1) (c)—

After “packing”, insert “for sale”.

20 (6) Section 16 (1) (e1), (e2)—

After section 16 (1) (e), insert :—

- (e1) prescribing or regulating tests for the purpose of determining whether the provisions of this Act have been or are being complied with;

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 (e2) prescribing, for the purposes of this Act or any test, inspection or investigation under this Act, the time at which or the circumstances under which the draining of a carcass shall be deemed to have been completed in the course of the process; and
- (7) Section 16 (3)—
- 10 Omit the subsection, insert instead :—
- (3) A provision of a regulation (including a regulation made for the purpose of prescribing any minimum standards for the purposes of this Act) may—
- 15 (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;
- 20 (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
- (d) adopt wholly or partially by reference any codes, rules, specifications or provisions which relate to any matter with which the regulation deals and which are—
- 25 (i) recommended or adopted by the Standards Association of Australia;
- (ii) recommended or adopted by any other standards organisation or body of any place outside Australia, being an organisation or a body declared by the Minister, by order published in the
- 30

Poultry Processing (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO SECTION 16 OF THE PRINCIPAL ACT RELATING
TO REGULATIONS—*continued.*

- 5 Gazette, to be an approved standards
organisation or body for the purposes of
this subsection;
- 10 (iii) included in any document issued by any
Department of the Crown in right of this
or any other State or the Commonwealth
or issued by any instrumentality of this
or any other State or the Commonwealth
constituted by an Act of the Parliament
thereof; or
- 15 (iv) approved by the Minister and published
in the Gazette,
- together with any additions or amendments
thereto that are specified in the regulation,
or may do any combination of those things.

SCHEDULE 5.

Sec. 5.

20 AMENDMENTS TO THE PRINCIPAL ACT RELATING
TO PENALTIES.

- (1) Section 7 (2)—
Omit “five hundred dollars”, insert instead “\$1,000”.
- (2) Section 10 (2)—
25 Omit “two thousand dollars”, insert instead “\$2,000”.

Poultry Processing (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING
TO PENALTIES—*continued.*

- (3) Section 15 (1)—
5 Omit “two hundred dollars”, insert instead “\$500”.
- (4) Section 16 (2)—
Omit “two hundred dollars”, insert instead “\$400”.

SCHEDULE 6.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

- 10 (1) (a) Section 3, definition of “Chief, Division of Animal
Health”—
After the definition of “carcass”, insert :—
“Chief, Division of Animal Health” means the
15 person for the time being holding office or
acting as the Chief, Division of Animal Health,
Department of Agriculture;
- (b) Section 3, definition of “package”—
After the definition of “operator”, insert :—
“package” includes any receptacle and any
20 covering;
- (c) Section 3, definition of “poultry”—
After the definition of “plant”, insert :—
“poultry” means any live or dead bird;

Poultry Processing (Amendment).

SCHEDULE 6—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(d) Section 3, definition of “poultry meat”—

5 After the definition of “poultry”, insert :—

 “poultry meat” means the whole or any part of a
 carcass, whether eviscerated or not;

(2) Section 4—

Omit the section, insert instead:—

10 4. (1) The Minister may, by order published in the Gazette, direct that the whole of this Act or any provisions of this Act specified in the order— Exemption
from
operation
of 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

15 (b) shall not so apply in such circumstances as may be so specified.

 (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.

(3) Section 10 (3), (4)—

25 Omit “the processing of carcasses” wherever occurring, insert instead “processing”.

Poultry Processing (Amendment).

SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (4) Section 11 (1)—
5 Omit “carcass” wherever occurring, insert instead “poultry
meat”.

SCHEDULE 7.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY
OF STATUTE LAW REVISION.

- 10 (1) Section 1 (3)—
Omit the subsection.
- (2) Section 3, definition of “prescribed”—
Omit the definition.
- (3) Section 5 (1)—
15 Omit “Public Service Act, 1902, as subsequently amended”,
insert instead “Public Service Act, 1979”.
- (4) Section 9 (4)—
Omit “subsection (3) of section 10”, insert instead “section
10 (3)”.
- 20 (5) Section 10 (5)—
Omit “in the district in which the plant is situated”.

Poultry Processing (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(6) Section 16 (4), (5)—

5 Omit the subsections, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[48c]