

CONCURRENCE COPY

POULTRY PROCESSING (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to make provision in the Poultry Processing Act, 1969, for the payment of fees for the registration or renewal of registration of plant in which poultry is processed in lieu of the payment of fees for the making of applications for any such registration or renewal of registration (Schedule 1 (3)—proposed section 9A);
 - (b) to enable the registration fees referred to in paragraph (a) to be paid by quarterly instalments (Schedule 1 (3)—proposed section 9B);
 - (c) to provide, as a transitional measure, that the existing application fees prescribed by the regulations shall be the registration fees payable after the commencement of the proposed Act (Schedule 2, clause 2); and
 - (d) to make other provisions of a minor, ancillary or consequential nature.
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POULTRY PROCESSING (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Poultry Processing Act, 1969, with respect to the fees payable for the registration of plant in which poultry is processed; and for other purposes.

[MR DAY—30 *March*, 1983.]

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 Short title.

1. This Act may be cited as the "Poultry Processing (Amendment) Act, 1983".

Commencement.

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

10 (2) Except as provided by subsection (1), this Act shall commence on 30th April, 1983.

Schedules.

3. This Act contains the following Schedules:—

15 SCHEDULE 1.—AMENDMENTS TO THE POULTRY PROCESSING ACT, 1969.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendment of Act No. 45, 1969.

4. The Poultry Processing Act, 1969, is amended in the manner set forth in Schedule 1.

20 Savings, transitional and other provisions.

5. Schedule 2 has effect.

Poultry Processing (Amendment).

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE POULTRY PROCESSING ACT, 1969.

(1) Section 2—

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

(2) (a) Section 9 (2) (c)—

Omit the paragraph, insert instead:—

(c) be accompanied by the prescribed maps or plans or other prescribed documents or information.

10 (b) Section 9 (3), (3A)—

Omit the subsections.

(3) Sections 9A, 9B—

After section 9, insert:—

Registration fees.

15 9A. (1) In this section, “relevant period”, in relation to the registration of a plant, means the period of 12 months that ended on 30th April last preceding the date on and from which the registration is to be in force.

20 (2) The Minister shall not cause a plant to be registered unless he has been paid—

(a) the appropriate registration fee under subsection (3) for the registration; or

25 (b) where the applicant for registration or for renewal of registration has made an election under section 9B, the first instalment of that fee.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE POULTRY PROCESSING ACT, 1969—*continued.*

(3) The registration fee payable in respect of the registration of a plant is—

- 5 (a) the amount prescribed according to the number of poultry killed at the plant during the relevant period for the purposes of preparing poultry meat for sale; or
- 10 (b) where no poultry were so killed or no amount is prescribed for the purposes of paragraph (a)—such amount as may be prescribed for the purposes of this paragraph.

(4) The registration fee payable in respect of the registration of a plant is payable by the applicant for registration or for renewal of registration.

- 15 (5) If an application for registration or for renewal of registration of a plant is refused by the Minister, any registration fee paid in respect thereof shall be refunded to the person who paid the fee.

Payment of certain registration fees by instalments.

20 9B. (1) An applicant for registration or for renewal of registration of a plant may, in his application, if the registration fee payable in respect of the registration of the plant is in excess of \$400, elect to pay the registration fee by 4 equal instalments, the first instalment being due and payable before the registration of the plant and each of the remaining 3 instalments being due and payable—

- 25 (a) respectively on 30th September, 30th December and 30th March next following the date of issue of registration; or
- (b) where the date of issue of registration is after 29th September in any year, at such times as the Minister may determine.

30 (2) For the purposes of calculating the amount of instalments under subsection (1), where the quotient obtained by dividing the registration fee by the appropriate number of instalments results in a remaining fraction of a cent, that fraction shall be ignored.

Poultry Processing (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE POULTRY PROCESSING ACT, 1969—*continued.*

- 5 (3) If an instalment payable in respect of the registration of a plant is not paid on or before the day on which it is due and payable under subsection (1), the balance of the registration fee becomes due and payable.
- (4) The balance of the registration fee payable in respect of the registration of a plant becomes due and payable upon the cancellation or suspension of the registration.
- 10 (5) The whole or any part of an amount which is due and payable to any person under this section and which is unpaid may be recovered by the Minister, as a debt due to the Crown, in any court of competent jurisdiction.
- (4) Section 9A (as inserted by Schedule 2 (4) of Act No. 44, 1981)—
15 Renumber the section as section 9C.
- (5) (a) Section 9B (as inserted by Schedule 2 (4) of Act No. 44, 1981)—
Renumber the section as section 9D.
- (b) Section 9D (3)—
20 After section 9D (2) (as so renumbered), insert:—
- (3) The Minister may suspend the registration of a plant for such period as he thinks fit, or may cancel that registration, if any instalment of the registration fee that is due and payable in respect of the registration of the plant under section 9B is unpaid.
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- (6) Section 16 (1) (a6)—
Omit "9A", insert instead "9C".
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Poultry Processing (Amendment).

SCHEDULE 2.

(Sec. 5.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation.

- 5 1. Expressions used in this Schedule shall, unless a contrary intention appears, have the same meanings respectively as in the Poultry Processing Act, 1969.

Existing application fee deemed registration fee.

- 10 2. The fee prescribed, immediately before 30th April, 1983, in relation to an application for registration or renewal of registration of a plant for the purposes of section 9 (2) (c) (ii) of the Poultry Processing Act, 1969, as in force immediately before that date, shall be deemed to be the registration fee for the registration of the plant under section 9A (3) of that Act, as amended by this Act, until an amount is prescribed under section 9A (3) (a) or (b) of that Act, as so amended.

Consequential provisions.

- 15 3. (1) Any maps, plans, documents or information prescribed for the purposes of section 9 (2) (c) (i) of the Poultry Processing Act, 1969, immediately before 30th April, 1983, shall, on that date, be deemed to have been prescribed for the purposes of section 9 (2) (c) of that Act, as amended by this Act.

- 20 (2) The classes or descriptions of structural alterations or additions prescribed for the purposes of section 9A of the Poultry Processing Act, 1969, immediately before 30th April, 1983, shall, on that date, be deemed to have been prescribed for the purposes of section 9C of that Act, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983