

MEAT INDUSTRY (AMENDMENT) ACT 1989 No. 33

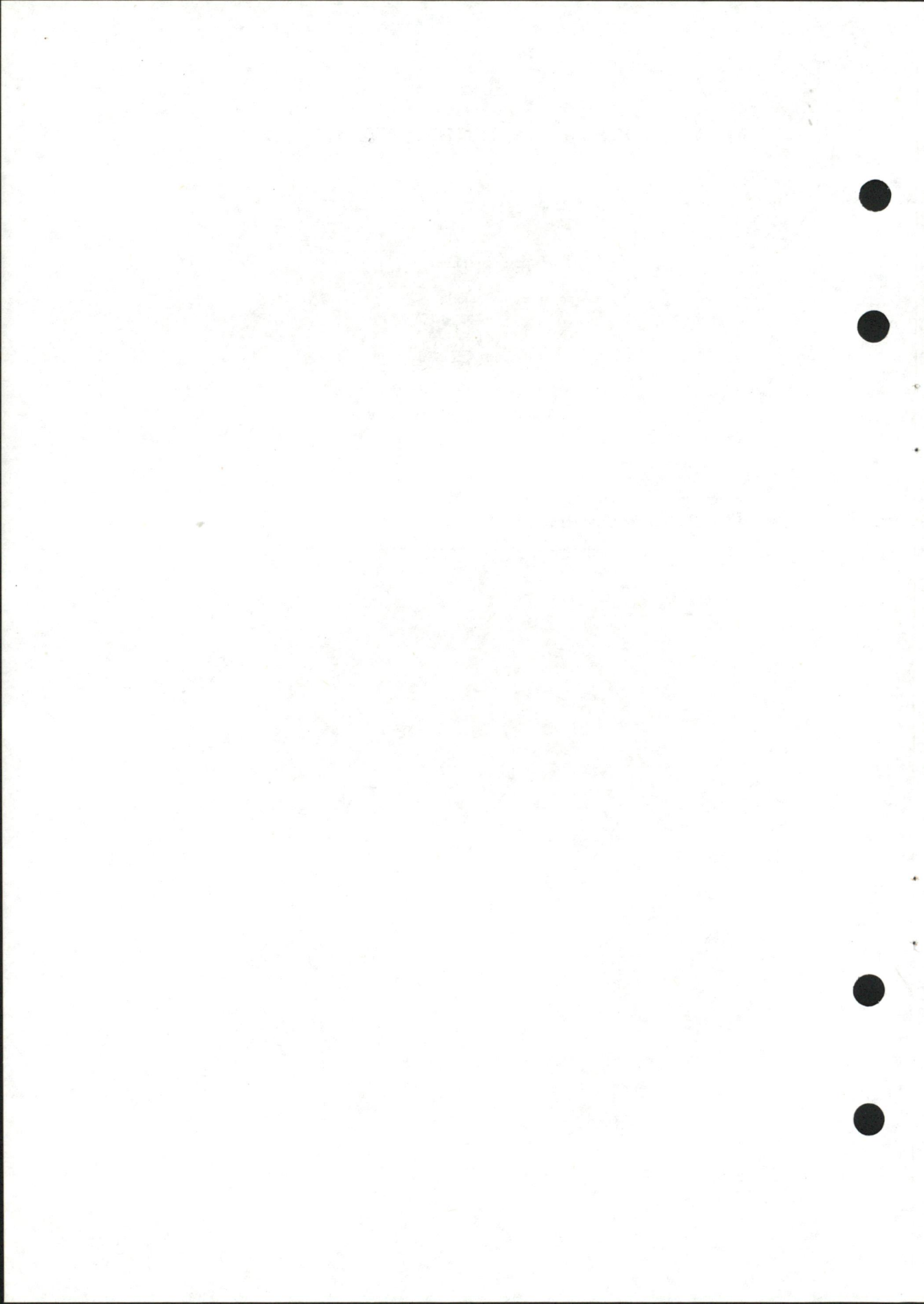
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Meat Industry Act 1978 No. 54

SCHEDULE 1—AMENDMENTS



MEAT INDUSTRY (AMENDMENT) ACT 1989 No. 33

NEW SOUTH WALES



Act No. 33, 1989

An Act to amend the Meat Industry Act 1978 to create offences in relation to the sale and storage of meat or processed meat; and for other purposes.
[Assented to 10 May 1989]

*Meat Industry (Amendment) 1989***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Meat Industry (Amendment) Act 1989.

Commencement

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

Amendment of Meat Industry Act 1978 No. 54

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

SCHEDULE 1—AMENDMENTS

(Sec.3)

(1) Section 39 (Questions by inspectors)—

Omit section 39 (1), insert instead:

(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) Section 41 (Offences as to sale of meat)—**(a) Section 41 (1A) (a)—**

Before "knackery", insert "licensed".

(b) Section 41 (2A)—

After section 41 (2), insert:

(2A) A person shall not sell by retail processed meat for human consumption if it has been produced at a meat processing plant operated by a person in contravention of section 10 (1) (b).

(3) Section 41A—

After section 41, insert:

Offences as to storage of meat

41A. (1) An occupier of premises used as a restaurant or a retail butcher's shop shall not store any meat on those premises unless—

- (a) the animal from which it came was slaughtered at an abattoir or slaughter-house; or

*Meat Industry (Amendment) 1989*SCHEDULE 1—AMENDMENTS—*continued*

(b) it or the carcase from which it came was brought into the State in accordance with section 43 (1),

and the meat or the carcase from which it came has been inspected by a meat inspector and passed by the inspector as fit for human consumption.

(2) An occupier of premises used for the retail sale of meat for use as animal food shall not store any meat on those premises unless—

(a) the animal from which it came was slaughtered at an abattoir, slaughter-house or licensed knackery; or

(b) it or the carcase from which it came was brought into the State in accordance with section 43 (1) or (2),

and the meat or the carcase from which it came has been inspected by a meat inspector and passed by the inspector as fit for use as animal food or for human consumption.

(3) An occupier of premises used for the retail sale of processed meat shall not store any processed meat on those premises if it has been produced at a meat processing plant operated by a person in contravention of section 10 (1) (b).

(4) It is a sufficient defence to a prosecution for an offence of storing meat or processed meat under any provision of this section if the defendant satisfies the court that he or she did not know or suspect and did not have reasonable grounds for knowing or suspecting that the storage alleged as the offence was in breach of that provision.

(5) In any prosecution for an offence under this section, proof of the fact that meat or processed meat is on premises occupied by the defendant is to be taken, unless the defendant proves the contrary, as proof of the fact that the meat or processed meat is being stored on those premises by the defendant.

(6) A person is not liable to be punished both for an offence under this section and an offence under section 41 in respect of the same meat or processed meat on the same premises.

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.

(4) Section 46 (**Functions of the Authority**)—

After section 46 (2) (h), insert:

(h1) make recommendations to the Minister with respect to the manner of weighing carcasses sold to the licensee of a slaughtering place on the basis of carcase weight;

Meat Industry (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 77 (**Regulations**)—

After section 77 (2) (o), insert:

- (o1) the manner of weighing carcasses sold to the licensee of a slaughtering place on the basis of carcase weight;
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[*Minister's second reading speech made in—
Legislative Assembly on 6 April 1989
Legislative Council on 2 May 1989*]

MEAT INDUSTRY (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Meat Industry Act 1978 so as—

- (a) to create new offences relating to the sale and storage of meat on certain premises (such as a restaurant, a butcher's shop, a delicatessen or a pet food shop); and
- (b) to make it clear that regulations may be made with respect to the manner of weighing carcasses sold to a slaughtering place on the basis of carcase weight.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a proclaimed day or days.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 39 of the Principal Act to enable inspectors to require an occupier of a restaurant or premises used for the retail sale of meat or processed meat (such as a butcher's shop or a delicatessen) to answer questions relating to the inspector's functions under the Act. Currently, inspectors have such a power only in relation to licensees, and their employees, of premises such as abattoirs and meat markets.

Schedule 1 (2) amends section 41 of the Principal Act to create a new offence relating to the sale of processed meat produced on unlicensed premises. It will be an offence for a retailer (such as a delicatessen) to sell illegally processed meat unless the retailer can establish that he or she did not know or suspect that the meat was illegally processed.

Schedule 1 (3) amends the Principal Act by inserting a new section 41A.

Under the proposed section, it will be an offence to store meat on premises used as a restaurant or a retail butcher's shop if the sale of that meat for human consumption would be an offence under section 41 (1) of the Principal Act (relating to the sale of meat unfit for human consumption).

Meat Industry (Amendment) 1989

Similarly, it will be an offence to store meat on premises used for the retail sale of meat as animal food (such as a pet food shop) if the sale of that meat as animal food would be an offence under section 41 (1A) of the Principal Act.

Schedule 1 (4) and (5) amend sections 46 and 77 of the Principal Act to clarify that the New South Wales Meat Industry Authority may make recommendations, and a regulation may be made, with respect to the manner of weighing a carcass sold to a slaughtering place on the basis of the weight of the carcass.

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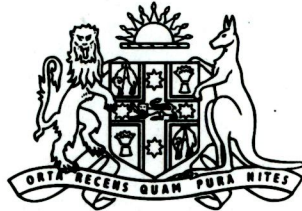
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3. Amendment of Meat Industry Act 1978 No. 54

SCHEDULE 1—AMENDMENTS

MEAT INDUSTRY (AMENDMENT) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

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

SCHEDULE 1—AMENDMENTS

(Sec.3)

(1) Section 39 (Questions by inspectors)—

Omit section 39 (1), insert instead:

(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) Section 41 (Offences as to sale of meat)—**(a) Section 41 (1A) (a)—**

Before "knackery", insert "licensed".

(b) Section 41 (2A)—

After section 41 (2), insert:

(2A) A person shall not sell by retail processed meat for human consumption if it has been produced at a meat processing plant operated by a person in contravention of section 10 (1) (b).

(3) Section 41A—

After section 41, insert:

Offences as to storage of meat

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- (a) the animal from which it came was slaughtered at an abattoir or slaughter-house; or

*Meat Industry (Amendment) 1989*SCHEDULE 1—AMENDMENTS—*continued*

(b) it or the carcase from which it came was brought into the State in accordance with section 43 (1),

and the meat or the carcase from which it came has been inspected by a meat inspector and passed by the inspector as fit for human consumption.

(2) An occupier of premises used for the retail sale of meat for use as animal food shall not store any meat on those premises unless—

(a) the animal from which it came was slaughtered at an abattoir, slaughter-house or licensed knackery; or

(b) it or the carcase from which it came was brought into the State in accordance with section 43 (1) or (2),

and the meat or the carcase from which it came has been inspected by a meat inspector and passed by the inspector as fit for use as animal food or for human consumption.

(3) An occupier of premises used for the retail sale of processed meat shall not store any processed meat on those premises if it has been produced at a meat processing plant operated by a person in contravention of section 10 (1) (b).

(4) It is a sufficient defence to a prosecution for an offence of storing meat or processed meat under any provision of this section if the defendant satisfies the court that he or she did not know or suspect and did not have reasonable grounds for knowing or suspecting that the storage alleged as the offence was in breach of that provision.

(5) In any prosecution for an offence under this section, proof of the fact that meat or processed meat is on premises occupied by the defendant is to be taken, unless the defendant proves the contrary, as proof of the fact that the meat or processed meat is being stored on those premises by the defendant.

(6) A person is not liable to be punished both for an offence under this section and an offence under section 41 in respect of the same meat or processed meat on the same premises.

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.

(4) Section 46 (**Functions of the Authority**)—

After section 46 (2) (h), insert:

(h1) make recommendations to the Minister with respect to the manner of weighing carcasses sold to the licensee of a slaughtering place on the basis of carcase weight;

Meat Industry (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 77 (**Regulations**)—

After section 77 (2) (o), insert:

- (o1) the manner of weighing carcasses sold to the licensee of a slaughtering place on the basis of carcase weight;
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