

FIRST PRINT

**HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION
AND TRANSFER) BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to dissolve the Homebush Abattoir Corporation constituted by the Meat Industry Act 1978; and
- (b) to constitute a body corporate with the name of the Homebush Bay Ministerial Corporation, to transfer the assets, liabilities and staff of the dissolved corporation to the new corporation and to give it certain functions in relation to transferred property and other property acquired by it; and
- (c) to amend various Acts consequentially.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 defines certain terms used in the proposed Act.

**PART 2—ESTABLISHMENT OF HOMEBUSH BAY MINISTERIAL
CORPORATION**

Clause 4 constitutes a corporation with the name the Homebush Bay Ministerial Corporation. The corporation will have the functions of holding, on behalf of the Crown, transferring and disposing of assets, rights and liabilities of the dissolved Homebush Abattoir Corporation transferred to it under the proposed Act. The Ministerial Corporation will be able to develop land transferred to it or acquired by it, to dispose of, or otherwise deal with, property and to carry on any activities or business relating to those assets, rights and liabilities or to that land or property. Any of the assets, rights and liabilities transferred to the Ministerial Corporation may be transferred to the Crown or to any person on behalf of the Crown.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

**PART 3—DISSOLUTION OF HOMEBUSH ABATTOIR CORPORATION
AND TRANSFER OF ASSETS ETC.**

Clause 5 dissolves the Homebush Abattoir Corporation constituted by the Meat Industry Act 1978 and transfers its assets, rights and liabilities to the Homebush Bay Ministerial Corporation.

Clause 6 provides that instruments connected with the transfer of assets, rights and liabilities from the Homebush Abattoir Corporation to the Homebush Bay Ministerial Corporation are not chargeable with stamp duty.

PART 4—STAFF OF HOMEBUSH ABATTOIR CORPORATION

Clause 7 provides that staff of the dissolved Homebush Abattoir Corporation are to become employees of the Homebush Bay Ministerial Corporation.

Clause 8 preserves the superannuation entitlements of that staff.

Clause 9 preserves the leave entitlements of that staff.

Clause 10 provides that such entitlements cannot be claimed both under the proposed Act and another Act in respect of the same period of service.

PART 5—MISCELLANEOUS

Clause 11 enables regulations to be made containing savings and transitional provisions.

Clause 12 gives effect to Schedule 1 which contains consequential amendments to the Meat Industry Act 1978.

Clause 13 gives effect to Schedule 2 which amends various other Acts to change references to the Homebush Abattoir Corporation to the Homebush Bay Ministerial Corporation.

SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978

Schedule 1 contains consequential amendments to the Meat Industry Act 1978.

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Schedule 2 contains consequential amendments to other Acts.

FIRST PRINT

**HOME BUSH ABATTOIR CORPORATION (DISSOLUTION
AND TRANSFER) BILL 1991**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978

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**HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION
AND TRANSFER) BILL 1991**

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to provide for the dissolution of the Homebush Abattoir Corporation, to constitute the Homebush Bay Ministerial Corporation and to amend various Acts consequentially.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991.

Commencement

2. (1) This Act commences on 1 January 1992, except as provided by subsection (2).

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

Definitions

3. In this Act:

“**assets**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“**business undertaking**”, in relation to the Homebush Abattoir Corporation, means all assets, rights and liabilities of the Corporation;

“**eligible employee**” means a person who becomes an employee of the Ministerial Corporation in accordance with section 7;

“**Homebush Abattoir Corporation**” means the Homebush Abattoir Corporation constituted by the Meat Industry Act 1978;

“**instrument**” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“**Ministerial Corporation**” means the Homebush Bay Ministerial Corporation constituted by section 4;

“**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent);

“**superannuation scheme**” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

“transfer” means the transfer of the business undertaking pursuant to section 5 (2).

**PART 2—ESTABLISHMENT OF HOMEBUSH BAY
MINISTERIAL CORPORATION**

Establishment of Homebush Bay Ministerial Corporation

4. (1) There is constituted by this Act a body corporate with the corporate name of the Homebush Bay Ministerial Corporation.

(2) The affairs of the Ministerial Corporation are to be managed by the Minister.

(3) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, is taken to have been done by the Ministerial Corporation.

(4) The Ministerial Corporation has the functions conferred or imposed on it by or under this or any other Act.

(5) The functions of the Ministerial Corporation are:

- (a) to hold on behalf of the Crown, retain, transfer and dispose of assets, rights and liabilities transferred to it under this Act; and
- (b) to acquire, exchange, lease, dispose of and otherwise deal with property; and
- (c) to develop and manage land transferred to it under this Act or otherwise acquired by it; and
- (d) to carry on any activities or business that relate to any of the above or are incidental or ancillary to any of the above, including demanding, collecting and receiving charges, rates and fees.

(6) Without limiting the generality of subsection (5), the Ministerial Corporation may transfer any such assets, rights and liabilities to the Crown or to any person on behalf of the Crown.

**PART 3—DISSOLUTION OF HOMEBUSH ABATTOIR
CORPORATION AND TRANSFER OF ASSETS ETC.**

Dissolution of Homebush Abattoir Corporation and transfer of assets etc.

5. (1) The Homebush Abattoir Corporation is dissolved on 1 January 1992.

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(2) The assets, rights and liabilities (if any) of the Homebush Abattoir Corporation immediately before its dissolution are transferred to the Ministerial Corporation.

(3) On the transfer the following provisions have effect:

- (a) the assets of the Homebush Abattoir Corporation comprised in the business undertaking vest in the Ministerial Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance;
- (b) the rights and liabilities of the Homebush Abattoir Corporation comprised in the business undertaking become by virtue of this section the rights and liabilities of the Ministerial Corporation;
- (c) all proceedings relating to the business undertaking commenced before the transfer by or against the Homebush Abattoir Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Ministerial Corporation;
- (d) any act, matter or thing done or omitted to be done in relation to the business undertaking before the transfer by, to or in respect of the Homebush Abattoir Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Ministerial Corporation;
- (e) a reference in an instrument of any kind to the Homebush Abattoir Corporation is to be read as a reference to the Ministerial Corporation.

(4) The operation of this section is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities;
or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

(5) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(6) No attornment to the Ministerial Corporation by a lessee from the Homebush Abattoir Corporation is required.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

Stamp duty

6. Any instrument executed only for:

- (a) a purpose ancillary to or consequential on the operation of section 5; or
- (b) the purpose of giving effect to that section,

is not chargeable with stamp duty.

PART 4—STAFF OF HOMEBUSH ABATTOIR CORPORATION

Transfer of staff

7. (1) A person who was employed by the Homebush Abattoir Corporation immediately before the transfer becomes, on the transfer, an employee of the Ministerial Corporation.

(2) Until varied, the employment is subject to the same terms and conditions as those on which the person was employed immediately before the transfer.

Superannuation

8. (1) An eligible employee:

- (a) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an eligible employee; and
- (b) is entitled to receive any payment, pension or gratuity accrued or accruing under the scheme,

as if he or she had continued to be such a contributor during service with the Ministerial Corporation.

(2) Service by the eligible employee with the Ministerial Corporation is taken to be service as an officer in his or her previous employment for the purposes of any law under which the employee continues to contribute to the scheme or by which an entitlement under the scheme is conferred.

(3) The eligible employee is to be regarded as an officer or employee, and the Ministerial Corporation is to be regarded as the employer, for the purposes of the scheme.

(4) This section ceases to apply to the eligible employee if he or she becomes a contributor to another superannuation scheme, but the eligible employee is not prevented from receiving a resignation benefit from the first superannuation scheme.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

Leave

9. An eligible employee retains any rights to annual leave, extended service leave and sick leave accrued or accruing in his or her previous employment.

No dual benefits

10. An eligible employee is not entitled to claim, both under this Act and any other Act, dual benefits of the same kind for the same period of service.

PART 5—MISCELLANEOUS

Regulations

11. (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 contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(3) Any such savings or transitional provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

(4) 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 its date of 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.

Amendment of Meat Industry Act 1978 No. 54

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

Consequential amendments to other Acts

13. Each Act specified in Schedule 2 is amended as set out in that Schedule.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

**SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY
ACT 1978**

(Sec. 12)

- (1) Long title:
Omit the words “and the Homebush Abattoir Corporation”.
- (2) Section 4 (**Definitions**):
 - (a) From section 4 (1), omit the definition of “Corporation”.
 - (b) From section 4 (1), omit the definition of “executive officer”.
 - (c) From section 4 (1), omit the definition of “General Manager”.
- (3) Part 5 (**Constitution and functions of the Corporation**):
Omit the Part.
- (4) Section 46 (**Functions of the Authority**):
Omit section 46 (1) (e).
- (5) Section 60 (**Definition**):
Omit the section.
- (6) Section 61 (**Financial year**):
Omit the section, insert instead:
Financial year
61. The financial year of the Authority is the year ending on 30 June.
- (7) Section 63 (**Investment**):
Omit “Each corporation” and insert instead “The Authority”.
- (8) Section 66 (**Fund to be established**):
Omit section 66 (1).
- (9) Section 67 (**Capital indebtedness of Corporation**):
Omit the section.
- (10) Section 73 (**Destruction of abattoir animals to prevent cruelty**):
Omit section 73 (1).

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978—
continued

(11) Section 75 (**Bribery**):

From section 75, omit “the General Manager, an inspector or an officer or employee of the Authority or the Corporation” wherever occurring, insert instead “an inspector or an officer or employee of the Authority”.

(12) Section 76 (**Offences generally**):

From section 76 (5), omit “or in respect of any conviction for any offence against the by-laws shall be paid to and be the property of the Corporation”.

(13) Section 77 (**Regulations**):

From section 77 (2) (e), omit “, the Authority or the Corporation”, insert instead “or the Authority”.

(14) Section 78 (**By-laws**):

Omit the section.

(15) Schedule 3 (**Provisions relating to the management of the Corporation**):

Omit the Schedule.

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

(Sec. 13)

Clean Waters Act 1970 No. 78

From section 5, definition of “statutory authority”, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Government and Related Employees Appeal Tribunal Act 1980 No. 39

From Schedule 4, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Public Authorities (Financial Arrangements) Act 1987 No. 33

From Schedule 1, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Public Finance and Audit Act 1983 No. 152

From Schedule 2, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS—
continued

Public Sector Management Act 1988 No. 33

From Schedule 3, omit "Homebush Abattoir Corporation", insert instead "Homebush Bay Ministerial Corporation".

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)

From Part 1 of Schedule 2, omit "Full-time General Manager of the Homebush Abattoir Corporation." and "Deputy General Manager of the Homebush Abattoir Corporation."

Water Act 1912 No. 44

From sections 12 (3) and 14 (1B), omit "Homebush Abattoir Corporation" wherever occurring, insert instead "Homebush Bay Ministerial Corporation".

HOMEBUSH ABATTOIR CORPORATION
DISSOLUTION

AND TRANSFER BILL 1991

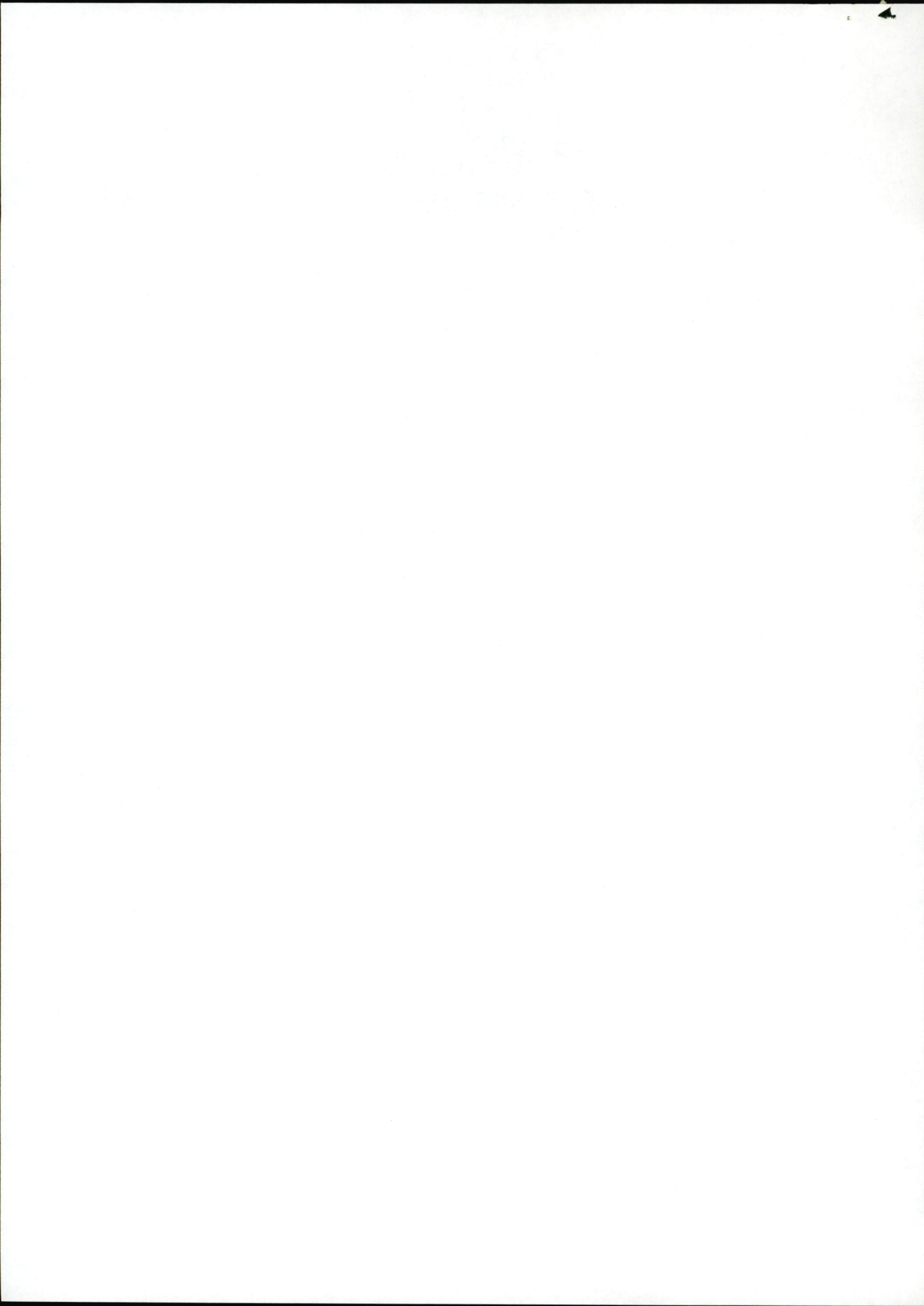
LEGISLATIVE COUNCIL SECOND READING
SPEECH

MR. PRESIDENT,

I MOVE THAT THIS BILL BE NOW READ
FOR THE SECOND TIME.

THE PURPOSE OF THIS BILL IS TO
DISSOLVE THE HOMEBUSH ABATTOIR
CORPORATION ON THE 1ST JANUARY 1992
AND TO TRANSFER ITS ASSETS,
LIABILITIES AND STAFF TO A NEW
CORPORATION TO BE CALLED THE
HOMEBUSH BAY MINISTERIAL
CORPORATION.

THIS REPRESENTS THE FINAL STAGE OF A
PROCESS, COMMENCED BY THIS
GOVERNMENT, TO CLOSE DOWN THE
ANTIQUATED AND INEFFICIENT HOMEBUSH
ABATTOIRS.



ON ASSUMING GOVERNMENT IN 1988 THE MINISTER IMMEDIATELY MOVED TO CLOSE DOWN THE ABATTOIRS IN JUNE OF THAT YEAR. THE MINISTER SUBSEQUENTLY CLOSED DOWN THE UNDER UTILISED AND COSTLY SALE YARDS IN MAY OF 1990.

THIS BILL IS NECESSARILY BRIEF BECAUSE IT TRANSFERS THE DUTIES AND RESPONSIBILITIES OF THE CORPORATION, FROM A NOW INAPPROPRIATE PIECE OF LEGISLATION, THE MEAT INDUSTRY ACT 1978, TO A MORE RELEVANT AND APPROPRIATE ENTITY, ON BEHALF OF THE CROWN.

ALL EXISTING LIABILITIES AND ACTIONS BY, OR AGAINST, THE HOMEBUSH ABATTOIR CORPORATION PRIOR TO ITS LAST DAY OF OPERATION WILL TRANSFER ACROSS TO THE NEW CORPORATION.

IMPORTANTLY, ALL RIGHTS OF THOSE EMPLOYEES REQUIRED TO BE RETAINED BY THE NEW CORPORATION WILL BE SIMILARLY TRANSFERRED WITHOUT ANY LOSS OF CONTINUITY OF THOSE RIGHTS.

THE MAJOR BENEFICIAL CHANGE WILL BE THE ABILITY OF THE NEW CORPORATION TO DEVELOP LAND CONSISTENT WITH THE ZONING OF THE HOMEBUSH BAY AREA. THIS WILL ALLOW THE CONTROL AND DELIVERY OF THE SPORTING FACILITIES BEING CONSTRUCTED ON THE CURRENT CORPORATION'S LAND FOR SYDNEY'S BID FOR THE YEAR 2000 OLYMPICS.

THE BILL ALSO HAS A PROVISION TO TRANSFER OUT OF THE NEW ENTITY ANY SUCH ASSETS, RIGHTS OR LIABILITIES TO THE CROWN OR TO ANY PERSON ON BEHALF OF THE CROWN.

IT IS INTENDED THAT THE NEW CORPORATION WILL BE ADMINISTERED BY THE MINISTER RESPONSIBLE FOR THE HOMEBUSH BAY REDEVELOPMENT, PRESENTLY THE MINISTER FOR LOCAL GOVERNMENT AND MINISTER FOR CO-OPERATIVES, MY COLLEAGUE, THE HON. G.P.B. PEACOCKE M.P.

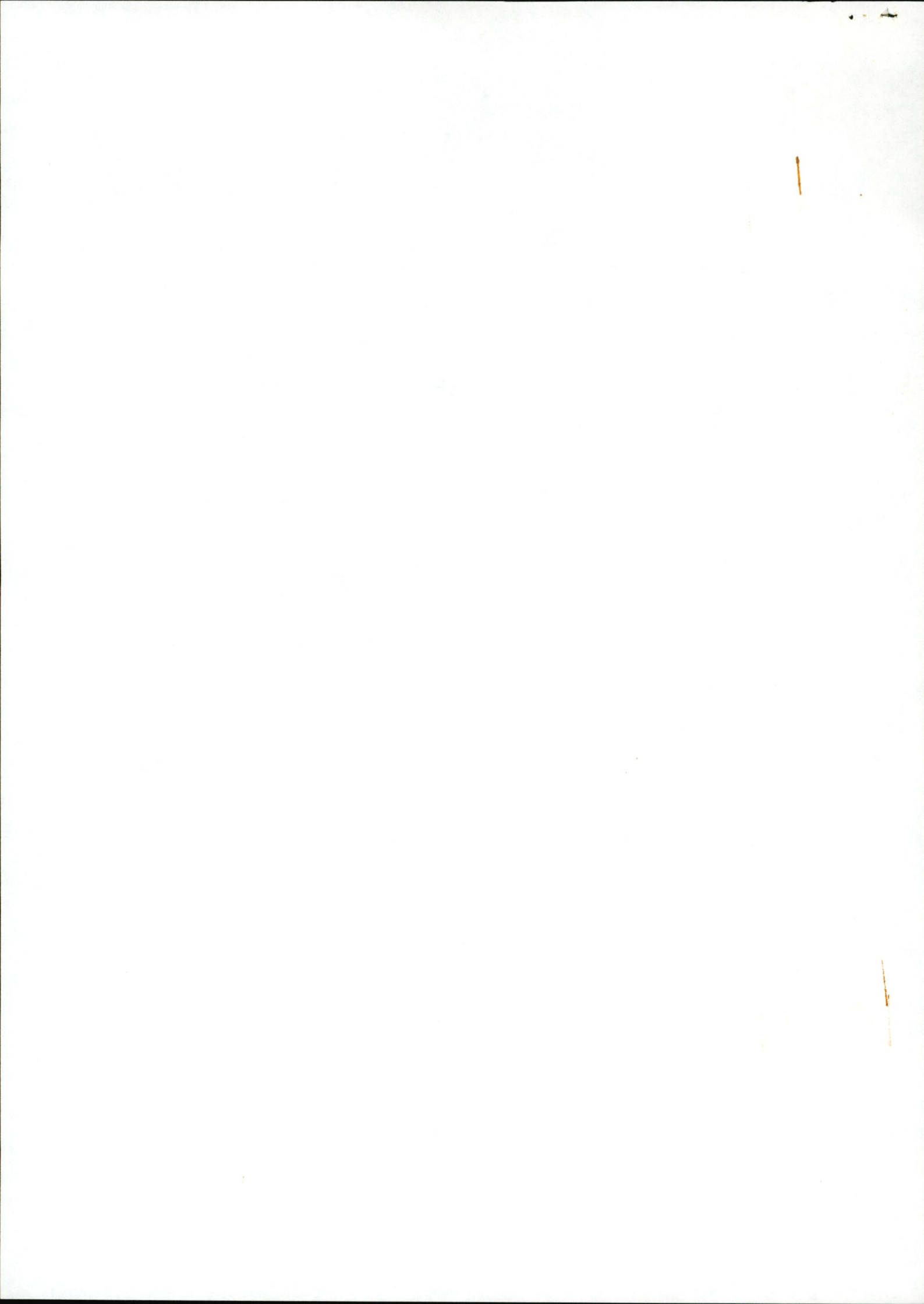
IN PRACTICAL EFFECT THIS WILL ALLOW A COORDINATED APPROACH TO CONTROLLING AND MANAGING THE REDEVELOPMENT OF THE CURRENT HAC LANDS CONSISTENT WITH THE OVERALL HOMEBUSH BAY PLAN, WITHOUT IN ANY WAY LESSENING THE EXISTING GOVERNMENT RESPONSIBILITIES ON THE SITE.

I WOULD LIKE, AT THIS STAGE, TO RECOGNISE THE EFFORTS OF THE CORPORATIONS GENERAL MANAGER, MR. GRAHAM CROUCH AND THE DEPUTY GENERAL MANAGER, MR. TERRY HUKINS, FOR ENSURING THAT THE EVENTUAL GOAL OF WINDING UP OF THE HOMEBUSH ABATTOIR CORPORATION WAS NEVER LOST SIGHT OF.

BOTH OF THESE MANAGERS HAVE ENSURED THAT THE PROCESS OF DISSOLUTION AND TRANSFER HAS BEEN CARRIED OUT IN THE MOST EFFICIENT POSSIBLE MANNER.

THE BILL DEMONSTRATES THE GOVERNMENT'S COMMITMENT TO UTILISING, IN THE MOST EFFICIENT AND APPROPRIATE MANNER THE VAST AMOUNT OF LAND CURRENTLY AVAILABLE IN THE HOMEBUSH BAY AREA.

I COMMEND THE BILL TO THE HOUSE.



**HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION
AND TRANSFER) ACT 1991 No. 45**

NEW SOUTH WALES



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**PART 3—DISSOLUTION OF HOMEBUSH ABATTOIR CORPORATION AND
TRANSFER OF ASSETS ETC.**

5. Dissolution of Homebush Abattoir Corporation and transfer of assets etc.
6. Stamp duty

PART 4—STAFF OF HOMEBUSH ABATTOIR CORPORATION

7. Transfer of staff
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9. Leave
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Homebush Abattoir Corporation (Dissolution and Transfer) 1991

PART 5—MISCELLANEOUS

11. Savings and transitional regulations
12. Amendment of Meat Industry Act 1978 No. 54
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SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

**HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION
AND TRANSFER) ACT 1991 No. 45**

NEW SOUTH WALES



Act No. 45, 1991

An Act to provide for the dissolution of the Homebush Abattoir Corporation, to constitute the Homebush Bay Ministerial Corporation and to amend various Acts consequentially. [Assented to 27 November 1991]

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991.

Commencement

2. (1) This Act commences on 1 January 1992, except as provided by subsection (2).

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

Definitions

3. In this Act:

“**assets**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“**business undertaking**”, in relation to the Homebush Abattoir Corporation, means all assets, rights and liabilities of the Corporation;

“**eligible employee**” means a person who becomes an employee of the Ministerial Corporation in accordance with section 7;

“**Homebush Abattoir Corporation**” means the Homebush Abattoir Corporation constituted by the Meat Industry Act 1978;

“**instrument**” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“**Ministerial Corporation**” means the Homebush Bay Ministerial Corporation constituted by section 4;

“**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent);

“**superannuation scheme**” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

“transfer” means the transfer of the business undertaking pursuant to section 5 (2).

**PART 2—ESTABLISHMENT OF HOMEBUSH BAY
MINISTERIAL CORPORATION**

Establishment of Homebush Bay Ministerial Corporation

4. (1) There is constituted by this Act a body corporate with the corporate name of the Homebush Bay Ministerial Corporation.

(2) The affairs of the Ministerial Corporation are to be managed by the Minister.

(3) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, is taken to have been done by the Ministerial Corporation.

(4) The Ministerial Corporation has the functions conferred or imposed on it by or under this or any other Act.

(5) The functions of the Ministerial Corporation are:

- (a) to hold on behalf of the Crown, retain, transfer and dispose of assets, rights and liabilities transferred to it under this Act; and
- (b) to acquire, exchange, lease, dispose of and otherwise deal with property; and
- (c) to develop and manage land transferred to it under this Act or otherwise acquired by it; and
- (d) to carry on any activities or business that relate to any of the above or are incidental or ancillary to any of the above, including demanding, collecting and receiving charges, rates and fees.

(6) Without limiting the generality of subsection (5), the Ministerial Corporation may transfer any such assets, rights and liabilities to the Crown or to any person on behalf of the Crown.

**PART 3—DISSOLUTION OF HOMEBUSH ABATTOIR
CORPORATION AND TRANSFER OF ASSETS ETC.**

**Dissolution of Homebush Abattoir Corporation and transfer of assets
etc.**

5. (1) The Homebush Abattoir Corporation is dissolved on 1 January 1992.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

(2) The assets, rights and liabilities (if any) of the Homebush Abattoir Corporation immediately before its dissolution are transferred to the Ministerial Corporation.

(3) On the transfer the following provisions have effect:

- (a) the assets of the Homebush Abattoir Corporation comprised in the business undertaking vest in the Ministerial Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance;
- (b) the rights and liabilities of the Homebush Abattoir Corporation comprised in the business undertaking become by virtue of this section the rights and liabilities of the Ministerial Corporation;
- (c) all proceedings relating to the business undertaking commenced before the transfer by or against the Homebush Abattoir Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Ministerial Corporation;
- (d) any act, matter or thing done or omitted to be done in relation to the business undertaking before the transfer by, to or in respect of the Homebush Abattoir Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Ministerial Corporation;
- (e) a reference in an instrument of any kind to the Homebush Abattoir Corporation is to be read as a reference to the Ministerial Corporation.

(4) The operation of this section is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities;
or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

(5) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(6) No attornment to the Ministerial Corporation by a lessee from the Homebush Abattoir Corporation is required.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

Stamp duty

6. Any instrument executed only for:
- (a) a purpose ancillary to or consequential on the operation of section 5; or
 - (b) the purpose of giving effect to that section,
- is not chargeable with stamp duty.

PART 4—STAFF OF HOMEBUSH ABATTOIR CORPORATION

Transfer of staff

7. (1) A person who was employed by the Homebush Abattoir Corporation immediately before the transfer becomes, on the transfer, an employee of the Ministerial Corporation.

(2) Until varied, the employment is subject to the same terms and conditions as those on which the person was employed immediately before the transfer.

Superannuation

8. (1) An eligible employee:

- (a) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an eligible employee; and
- (b) is entitled to receive any payment, pension or gratuity accrued or accruing under the scheme,

as if he or she had continued to be such a contributor during service with the Ministerial Corporation.

(2) Service by the eligible employee with the Ministerial Corporation is taken to be service as an officer in his or her previous employment for the purposes of any law under which the employee continues to contribute to the scheme or by which an entitlement under the scheme is conferred.

(3) The eligible employee is to be regarded as an officer or employee, and the Ministerial Corporation is to be regarded as the employer, for the purposes of the scheme.

(4) This section ceases to apply to the eligible employee if he or she becomes a contributor to another superannuation scheme, but the eligible employee is not prevented from receiving a resignation benefit from the first superannuation scheme.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

Leave

9. An eligible employee retains any rights to annual leave, extended service leave and sick leave accrued or accruing in his or her previous employment.

No dual benefits

10. An eligible employee is not entitled to claim, both under this Act and any other Act, dual benefits of the same kind for the same period of service.

PART 5—MISCELLANEOUS

Regulations

11. (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 contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(3) Any such savings or transitional provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

(4) 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 its date of 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.

Amendment of Meat Industry Act 1978 No. 54

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

Consequential amendments to other Acts

13. Each Act specified in Schedule 2 is amended as set out in that Schedule.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

**SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY
ACT 1978**

(Sec. 12)

- (1) Long title:
Omit the words “and the Homebush Abattoir Corporation”.
- (2) Section 4 (**Definitions**):
 - (a) From section 4 (1), omit the definition of “Corporation”.
 - (b) From section 4 (1), omit the definition of “executive officer”.
 - (c) From section 4 (1), omit the definition of “General Manager”.
- (3) Part 5 (**Constitution and functions of the Corporation**):
Omit the Part.
- (4) Section 46 (**Functions of the Authority**):
Omit section 46 (1) (e).
- (5) Section 60 (**Definition**):
Omit the section.
- (6) Section 61 (**Financial year**):
Omit the section, insert instead:
Financial year
61. The financial year of the Authority is the year ending on 30 June.
- (7) Section 63 (**Investment**):
Omit “Each corporation” and insert instead “The Authority”.
- (8) Section 66 (**Fund to be established**):
Omit section 66 (1).
- (9) Section 67 (**Capital indebtedness of Corporation**):
Omit the section.
- (10) Section 73 (**Destruction of abattoir animals to prevent cruelty**):
Omit section 73 (1).

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

SCHEDULE 1—AMENDMENT OF MEAT INDUSTRY ACT 1978—
continued

(11) Section 75 (**Bribery**):

From section 75, omit “the General Manager, an inspector or an officer or employee of the Authority or the Corporation” wherever occurring, insert instead “an inspector or an officer or employee of the Authority”.

(12) Section 76 (**Offences generally**):

From section 76 (5), omit “or in respect of any conviction for any offence against the by-laws shall be paid to and be the property of the Corporation”.

(13) Section 77 (**Regulations**):

From section 77 (2) (e), omit “, the Authority or the Corporation”, insert instead “or the Authority”.

(14) Section 78 (**By-laws**):

Omit the section.

(15) Schedule 3 (**Provisions relating to the management of the Corporation**):

Omit the Schedule.

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

(Sec. 13)

Clean Waters Act 1970 No. 78

From section 5, definition of “statutory authority”, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Government and Related Employees Appeal Tribunal Act 1980 No. 39

From Schedule 4, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Public Authorities (Financial Arrangements) Act 1987 No. 33

From Schedule 1, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Public Finance and Audit Act 1983 No. 152

From Schedule 2, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Homebush Abattoir Corporation (Dissolution and Transfer) 1991

SCHEDULE 2—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS—
continued

Public Sector Management Act 1988 No. 33

From Schedule 3, omit “Homebush Abattoir Corporation”, insert instead “Homebush Bay Ministerial Corporation”.

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)

From Part 1 of Schedule 2, omit “Full-time General Manager of the Homebush Abattoir Corporation.” and “Deputy General Manager of the Homebush Abattoir Corporation.”.

Water Act 1912 No. 44

From sections 12 (3) and 14 (1B), omit “Homebush Abattoir Corporation” wherever occurring, insert instead “Homebush Bay Ministerial Corporation”.

[Minister's second reading speech made in—
Legislative Assembly on 24 October 1991
Legislative Council on 19 November 1991]

