

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Meat Inspection Bill 1983

EXPLANATORY MEMORANDUM

(Circulated by authority of the  
Minister for Primary Industry,  
the Hon. John Kerin, MP)



## Outline

### Meat Inspection Bill 1983

The Bill introduces administrative arrangements for the Department of Primary Industry to undertake domestic meat inspection in New South Wales and in another State or a Territory where agreement is reached between the governments concerned. Specifically the Bill acts upon a reference of power from the NSW Parliament to the Commonwealth under s.51 (xxxvii) of the Constitution which referred the matter of inspection of meat that is intended for human consumption or for use as animal food to the extent to which it was not otherwise included in the legislative powers of the Parliament of the Commonwealth.

The development of an integrated national inspection service is regarded as the most effective and efficient method of overcoming many problems being experienced in the meat industry. The transfer of the NSW meat inspection service is the first step in the development of a national integrated inspection service.

The purpose of this legislation is to provide a sound legal base for the development of an inspection system which meets the specific circumstances and requirements of each State or Territory while being consistent with the overall objective of operating a low cost and efficient service.

The effect of the new legislation will be to finalise the establishment of a single meat inspection service in NSW by transferring all meat inspection powers formerly carried out by the NSW Department of Agriculture to the Commonwealth. The NSW Meat Industry Authority will continue to administer the licensing of and the setting of construction standards for domestic meat works.

The Bill provides for the setting of inspection standards for meat intended for human consumption and meat intended for use as animal food within Australia with appropriate penalties for contravention of them. There is also provision for condemnation or rejection of meat that does not meet these standards.

The Bill also provides for an authorized officer to enter prescribed premises to ascertain compliance. Where entry to premises other than prescribed premises is necessary the consent of the occupier or a warrant must be obtained. In the event of an offence being detected the authorized officer may seize and retain the meat and associated evidence for up to 60 days. Upon conviction a court may order the forfeiture of the goods.

Provision is made for the appointment of authorized officers and the issue of identity cards to them. The officers and persons who they may request to assist them in performing their duties are protected against action arising from the carrying out of these duties.

The Bill provides that the owner of prescribed premises shall not supply meat to an authorized officer without the written approval of the Secretary.

Penalties are also incorporated for contravening provisions relating to official marks and false trade descriptions.

The Bill provides for the Governor-General to make regulations not inconsistent with the Bill. The Bill also empowers the Minister to make orders not inconsistent with the regulations, but the orders shall not prescribe any penalty. The orders would be subject to Parliamentary scrutiny and disallowance in the same manner as regulations.

## Explanation

No. of  
Clause

1. Citation
2. Date of commencement to be fixed by Proclamation.
- 3 (1) Provides definitions for -  
  
abattoir, abattoir animal, animal food processing plant, apply, authorized officer, covering, document, examine, false trade description, knackery, knackery animal, label, meat, meat processing plant, offence against this Act, official mark, official marking device, order, owner, premises, prescribed, prescribed premises, processed meat, Secretary, Territory, the regulations, this Act, trade description.  
  
(2) Makes provision for regulations modifying "abattoir animal" or "knackery animal" with regard to particular States and Territories.  
  
(3) Provides for the interpretation of "the processing of meat" in relation to a meat processing plant and an animal food processing plant as referred to in sub-clause (1).
4. (1) Object of the Bill is to make provision with respect to the inspection of meat that is intended for human consumption or for use as animal food.  
  
(2) Application of the Bill extends to -  
  
- New South Wales;  
  
- any other State in relation to which a Proclamation under sub-clause (3) is in force;  
  
- any Territory in relation to which a Proclamation under sub-clause (4) is in force.  
  
(3) Subject to Proclamation by the Governor-General the Bill extends to  
  
- a State other than New South Wales that refers the matter of meat inspection to the Commonwealth;

- a State other than New South Wales that adopts this Bill;
- (4) Subject to Proclamation by the Governor-General the Bill extends to a Territory.
- (5) Under sub-clause (3) or (4) date of commencement to be fixed by the Proclamation.
- (6) Limits the application of the Bill to New South Wales for as long as an Act of that State referring the matter remains in force or a law of that State adopting the Bill remains in force.
- (7) Limits the application by Proclamation of the Bill to a State for as long as an Act of the State referring the matter remains in force or a law of the State adopting the Bill remains in force.
- 5. Binds the Crown in the right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island, but nothing in the Act renders the Crown liable to prosecution for an offence.
- 6. (1) Empowers the making of modifications to the Bill by regulations.
- (2) The power to make modifications under sub-section (1) does not extend to orders.
- 7. (1) Is a saving clause for the operation of other laws of the Commonwealth, State or Territory insofar as that law is capable of operating concurrently with the Bill
- (2) Provides that where an offence is committed under the Bill and also under a concurrently operative law of a State or Territory, a person may be prosecuted and convicted under either the Bill or the law of the State or Territory but shall not be liable to be punished more than once in respect of the same offence
- 8. Makes provision for regulations to prohibiting the slaughter or destruction of certain abattoir animals at an abattoir
- absolutely;

- unless specified conditions or restrictions are complied with; and
  - makes it an offence to contravene the regulations.
9. Prohibits the slaughter of a non-abattoir animal at an abattoir.
- 10 Makes provision for regulations prohibiting the bringing of certain meat into an abattoir or the removal of certain meat from an abattoir
- absolutely;
  - unless specified conditions or restrictions are complied with; and
  - makes it an offence to contravene the regulations.
11. Makes provision for regulations prohibiting the processing of certain meat at a meat processing plant
- absolutely;
  - unless specified conditions or restrictions are complied with; and
  - makes it an offence to contravene the regulations.
- 12 Makes provision for regulations prohibiting the bringing of certain meat into a meat processing plant or the removal of certain meat from a meat processing plant
- absolutely;
  - unless specified conditions or restrictions are complied with; and
  - makes it an offence to contravene the regulations.
- 13 (1) Prohibits a person from dealing with, other than in accordance with the regulations,
- an animal that has been condemned or rejected as unfit for human consumption;

- meat that has been condemned or rejected as unfit for human consumption.

(2) Makes it an offence to contravene sub-clause (1).

14. Makes provision for regulations prohibiting the slaughter or destruction of certain knackery animals at a knackery

- absolutely;
- unless specified conditions or restrictions are complied with; and
- makes it an offence to contravene the regulations

15. Prohibits the slaughter of a non-knackery animal at a knackery.

16. Makes provision for regulations prohibiting the bringing of certain meat into a knackery or the removal of certain meat from a knackery

- absolutely;
- unless specified conditions or restrictions are complied with; and
- makes it an offence to contravene the regulations

17. Makes provision for regulations prohibiting the processing of certain meat at an animal food processing plant

- absolutely;
- unless specified conditions or restrictions are complied with; and
- makes it an offence to contravene the regulations

18. Makes provision for regulations prohibiting the bringing of certain meat into an animal food processing plant or the removal of certain meat from an animal food processing plant

- absolutely;



- unless specified conditions or restrictions are complied with; and
  - makes it an offence to contravene the regulations
19. (1) Prohibits a person from dealing with, other than in accordance with the regulations,
- an animal that has been condemned or rejected as unfit for use as animal food;
  - meat that has been condemned or rejected as unfit for use as animal food.
- (2) Makes it an offence to contravene sub-clause (1).
20. (1) Provides for the regulations to make provisions with respect to inspection of meat that is intended for human consumption or for use as animal food.
- (2) Provides specifically for regulations relating to
- the analysis of samples taken and circumstances in which a certificate of analysis can be prima facie evidence of the facts in respect of proceedings for an offence;
  - the imposition of fees for the services of authorized officers;
  - the keeping of records and furnishing of returns;
  - penalties not exceeding \$1000 for contravention of, or failure to comply with a provision of the regulations on a direction or instruction issued or given under the regulations;
  - the manner in which directions or instructions may be issued or given under the regulations.
- (3) The regulations may make different provisions with respect to different States or Territories.
21. (1) Limits the transportation of meat intended for human consumption into or out of a State or Territory to which the Bill extends to meat that is fit for human consumption.

- (2) Limits the transportation of meat intended for use as animal food into or out of a State or Territory to which the Bill extends to meat that is fit for use as animal food.
  - (3) Makes it an offence to contravene sub-clause (1) or (2).
22.
  - (1) Provides that certain meat intended for human consumption brought into a State or Territory to which the Bill extends must be inspected by an authorized officer at prescribed premises.
  - (2) Provides that certain meat intended for use as animal food brought into a State or Territory to which the Bill extends must be inspected by an authorized officer at prescribed premises.
  - (3) Makes it an offence to contravene sub-clause (1) or (2).
23.
  - (1) Makes it an offence for a person to contravene the regulations relating to:
    - manufacture, possession, application, alteration or interference with an official mark;
    - manufacture, possession or application of a mark resembling or apparently intended to resemble or pass for an official mark;
    - manufacture or possession of an official marking device.
  - (2) Makes it an offence to contravene sub-clause (1)
24.
  - (1) Makes it an offence to apply a false trade description to any meat inspected under the Act.
  - (2) Sets criteria for what may constitute application of a false trade description.
  - (3) Makes it an offence to contravene sub-clause (1)
25.
  - (1) Empowers an authorized officer to ascertain whether provisions of the Bill have been complied with.

- (2) Provides for sub-clause (1) to include ascertaining whether an offence against the Bill has been committed.
  - (3) Sets down what an authorized officer may do, with such assistance as he thinks fit, to perform his functions.
  - (4) Provides for samples of any matter or thing to be taken and dealt with as prescribed.
  - (5) Makes provision for an authorized officer to apply to a Justice of the Peace for a warrant authorizing him to enter premises other than prescribed premises.
  - (6) Establishes the circumstances in which a Justice of the Peace may issue a warrant to allow an authorized officer to have access to premises, including land.
  - (7) Provides for a warrant to specify a date of cessation.
  - (8) Provides that it be compulsory for an authorized officer to present his identity card to the person in charge of any vehicle, ship or aircraft before he searches or detains it.
- 26 (1) Establishes procedures whereby an authorized officer may seize and retain meat in respect of which an offence has been committed and matter affording evidence of the offence and retain it for a period of 60 days.
- (2) Extends power under sub-clause (1) to coverings in which the meat is contained.
  - (3) Makes provision for the Secretary to release meat or other matter seized under sub-clause (1) either unconditionally or conditionally.
27. Makes provision for a penalty of \$1,000 or 6 months imprisonment or both if a person without reasonable excuse obstructs or hinders an authorized officer in the performance of his duties.
- 28 (1) Provides for reasonable assistance to be provided to an authorized officer to enable the authorized officer to carry out his duty. Failure to do so is subject to a penalty of \$1,000 or imprisonment for 6 months or both.

- (2) Provides that the authorized officer must produce his identity card when he makes a request of a person, otherwise the person is not obliged to comply
29. (1) Establishes that an offence against clause 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 or 24 is an indictable offence and sets the upper limit for the penalty that the court may impose in respect of
- a natural person - a fine not exceeding \$10,000; or
  - a body corporate - a fine not exceeding \$50,000
- (2) Establishes that an offence referred to in sub-clause (1) may be heard as a summary offence.
- (3) Sets the upper limit for the penalty that the court may impose on summary conviction in respect of
- a natural person - a fine not exceeding \$2,000; or
  - a body corporate - a fine not exceeding \$10,000
- (4) Makes provision for the imposition of higher penalties on conviction where a person has been previously convicted of a similar offence
- and sets the upper limit for penalties a court may impose in respect of
    - . a natural person - a fine not exceeding \$20,000 or imprisonment for a maximum of 5 years or both, or
    - . a body corporate - a fine not exceeding \$100,000
  - and sets the upper limit for penalties a court may impose on summary conviction in respect of
    - . a natural person - a fine not exceeding \$5,000 or imprisonment for a maximum of 2 years or both, or
    - . a body corporate - a fine not exceeding \$25,000.

30. (1) Makes provision for a court to order the forfeiture of meat
- (2) Extends sub-clause (1) to the coverings of the meat.
- (3) Provides that any forfeited meat may be sold or otherwise disposed of as the Secretary directs in writing.
31. (1) Makes provision for the Secretary to delegate to an authorized officer, all or any of his powers under the Bill, other than his power of delegation.
- (2) Provides for the power so delegated to be deemed to have been exercised by the Secretary.
- (3) Provides that a delegation under this section does not prevent the exercise of a power by the Secretary.
32. Makes provision for the Secretary to appoint in writing a person or persons in a class of persons to be an authorized officer or authorized officers as the case may be.
33. (1) Provides for the Secretary to issue to an authorized officer an identity card in a form approved by the Secretary.
- (2) Provides that a person in possession of an identity card who is no longer an authorized officer must return the identity card to the Secretary and if he fails to do so be subject to a fine upon conviction not exceeding \$100.
- (3) Provides for additional application under this clause for an identity card issued under the Export Control Act 1982.
34. (1) Makes provision to protect an authorized officer from any action, suit or proceeding for or in relation to an act done or omitted to be done in good faith in the exercise of any power or authority conferred on him by the Bill.
- (2) Provides similar protection for a person who an authorized officer may ask to assist him in the course of his duties.

35. (1) Provides that owners of prescribed premises or their employees or agents are not to supply meat to authorized officers without the written approval of the Secretary. Contravention of this is subject to a penalty of \$2,000 or imprisonment of 12 months, or both.
- (2) Provides for contravention of sub-clause (1) to be punishable on summary conviction.
36. (1) Provides for the Governor-General to make regulations not inconsistent with the Bill on matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Bill.
- (2) Provides for regulations applying, adopting or incorporating, with or without modification a provision of
- an Act of a State or Territory
  - an Ordinance of a Territory
  - a regulation or rules made under such Act or Ordinance
  - an order made under the Export Control Act 1982
  - an order made pursuant to the regulations under the Bill.
- (3) Power to modify under the regulations includes power to add or omit any matter.
37. (1) Empowers the Minister to make orders.
- (2) Such orders not to prescribe a penalty.
- (3) Sections 48, 49 and 50 of the Acts Interpretation Act 1901 to apply to orders, that is, they shall be subject to parliamentary review and disallowance
- (4) An order may apply, adopt or incorporate, with or without modification a provision of
- an Act of the Commonwealth, a State or Territory

- an Ordinance of a Territory
  - a regulation or rules made under such Act or Ordinance
  - an order made under the Export Control Act 1982
  - any other order made pursuant to the regulations under the Bill
  - any matter contained in any instrument or writing as in force or existence at the time the order takes effect.
- (5) An order shall be deemed not to be a Statutory Rule within the Statutory Rules Publication Act 1903 but they must be advised in the Gazette and be available for purchase.
- (6) Places responsibility for notifying each House of Parliament if copies are not available for purchase with the Minister for Primary Industry.
- (7) An order shall be deemed to be an enactment for the purposes of the Administrative Appeals Tribunal Act 1975.

