



New South Wales

Food Amendment (Meat Grading) Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Section 18 of the *Food Act 2003* makes it an offence to engage in misleading or deceptive conduct in relation to food intended for sale or the sale of food. Section 18 also makes it an offence to falsely describe such food. Section 22 of that Act sets out various circumstances in which food is taken to be falsely described. The maximum penalty for an offence under section 18 is 500 penalty units (for an individual) and 2,500 penalty units (for a corporation).

The object of this Bill is to amend section 22 of the *Food Act 2003* as follows:

- (a) to provide that meat is falsely described if it is described by words, letters or symbols that are used by the AUS-MEAT *Users' Guide to Australian Meat* to designate or indicate meat of a particular type or grade, but has not been assessed in accordance with the requirements of that publication or does not comply with the standards set out in that publication with respect to that type or grade of meat,

- (b) to provide that a person is taken to have engaged in conduct that is misleading or deceptive in relation to the sale of meat if:
 - (i) the person advertises, packages, labels or sells meat described by means of AUS-MEAT language, and
 - (ii) other meat advertised, packaged, labelled or sold by that person is described by any other means.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendment to the *Food Act 2003* set out in Schedule 1.

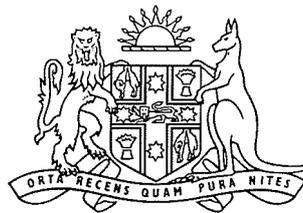
Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment

Schedule 1 amends the *Food Act 2003* to give effect to the object referred to above.

Introduced by Mr G R Torbay, MP

First print



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New South Wales

Food Amendment (Meat Grading) Bill 2008

No. , 2008

A Bill for

An Act to amend the *Food Act 2003* with respect to the advertising, packaging and labelling of meat.

| | |
|--|----------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Food Amendment (Meat Grading) Act 2008</i> . | 3 |
| 2 Commencement | 4 |
| This Act commences on the date of assent to this Act. | 5 |
| 3 Amendment of Food Act 2003 No 43 | 6 |
| The <i>Food Act 2003</i> is amended as set out in Schedule 1. | 7 |
| 4 Repeal of Act | 8 |
| (1) This Act is repealed on the day following the day on which this Act commences. | 9 10 |
| (2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act. | 11 12 |

Schedule 1 Amendment

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(Section 3)

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Section 22 False or misleading descriptions of food

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Insert after section 22 (2):

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- (3) Without limiting the application of subsection (1) of this section to section 18 (2), meat is falsely described for the purposes of section 18 (2) if:
- (a) it is described by means of AUS-MEAT language that is referable to meat of a particular type or grade, and
- (b) it has not been assessed in accordance with the requirements of the Users' Guide to Australian Meat, or does not comply with the standards set out in the Users' Guide to Australian Meat, with respect to meat of that type or grade.
- (4) For the purposes of this Part, a person carrying on a food business is taken to have engaged in conduct that is misleading or deceptive (or is likely to mislead or deceive) in relation to the advertising, packaging or labelling of meat intended for sale, or in relation to the sale of meat, if:
- (a) the person advertises, packages, labels or sells meat described by means of AUS-MEAT language, and
- (b) other meat advertised, packaged, labelled or sold by that person is described by any other means.
- (5) In this section:
- AUS-MEAT language*** means any words, letters or symbols that (whether alone, in combination or together with other words, letters or symbols) are used by the Users' Guide to Australian Meat to designate or indicate meat as belonging to a particular type or grade.
- meat*** means flesh from the carcase of:
- (a) any bovine animal, or
- (b) any other animal to which the Users' Guide to Australian Meat applies whose flesh is declared by the regulations to be meat for the purposes of subsection (3).

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Food Amendment (Meat Grading) Bill 2008

Schedule 1 Amendment

Users' Guide to Australian Meat means the document published under that title by AUS-MEAT Limited (ACN 082 528 881), as that document is in force from time to time.

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