

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*]