

# **MEAT INDUSTRY BILL 1993**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

#### **Objectives**

The *Meat Industry Bill 1993* repeals and replaces the *Meat Industry Act 1965*. New industry bodies are created which separate policy, regulatory, commercial and review functions formerly administered by the Livestock and Meat Authority under the *Meat Industry Act 1965*.

The Bill aims to ensure the wholesomeness of meat which is made available for sale to the public through a system of accreditation. This is the primary function of the Queensland Livestock and Meat Authority constituted under the Bill.

The accreditation issued will authorise the holder to carry out the meat processing stated in the accreditation.

The meat processing authorised may include a reference to the species of animals to be killed, quantity of throughput or the premises, vehicles, plant and equipment to be used.

Integrity of meat is also to be maintained through these processes. "Integrity" refers to the maintenance throughout the entire stream of meat processing of the description of meat matching the species of animal from which the meat has been derived.

The establishment of the Queensland Livestock and Meat Industry Policy Council will provide a forum for policy development through consultation between industry and government.

Further, the Queensland Abattoir Corporation will be established and will operate the existing public abattoirs on a commercial basis.

The Bill also establishes the Meat Industry Tribunal to hear administrative appeals from a decision of the Authority or an authorised person.

## **Reasons for Bill**

The *Meat Industry Act 1965* has not been reviewed in almost 30 years and is being repealed as part of the Government's program of legislative reform and review.

It follows also as part of the Minister for Primary Industries' program of review of all primary industry statutes.

Further, there is a need to separate the current regulatory, commercial and policy functions presently administered by the Livestock and Meat Authority of Queensland.

This will provide for an enhanced system of accountability by clearly defining and separating the functions to be administered by each of the bodies mentioned, for example, the Authority will no longer regulate public abattoirs consequently lessening the potential for a conflict of interest.

With the introduction of mutual recognition, new legislation was also considered necessary to avoid conflict with the *Meat Industry Act 1965* notably, the provisions that prohibit the slaughtering of game meat (e.g., kangaroo) and the sale of kangaroo meat for human consumption in Queensland.

The Bill removes unnecessary restrictions currently in force under the *Meat Industry Act 1965* and will provide for better marketing arrangements enabling the sale of a greater variety of meats and permit the sale of meat in different retail situations.

The Bill abolishes regional meat areas. It also lessens the financial burden on persons involved in the meat processing. Currently, processors are required to pay fees for the privilege of selling meat in different parts of the State.

The present *Meat Industry Act* is complex in nature, has been amended on numerous occasions and is difficult to administer.

## **Estimated Cost for Government Implementation**

The anticipated costs to Government in the implementation of the Bill would be, firstly, the provision of a secretariat for the Queensland Livestock and Meat Industry Policy Council and the payments of fees and allowances for its members.

Secondly, the Chairpersons of the selection committees, to be established for nomination of members to be appointed by the Minister to the Authority and the Corporation, are entitled to fees and allowances as determined by the Governor in Council.

The Authority would be self funded through the payment of fees and other revenue it receives.

The Abattoir Corporation is to operate on a commercial basis.

Costs associated with the Appeals Tribunal are to be defrayed from Authority funds.

## **Consultation**

A Position Paper was released for public discussion in February 1993 outlining the regulatory and structural aspects of the proposed meat industry legislation. Its contents were reflected in the drafting instructions.

A copy of the draft Bill has been circulated to Government Departments including the Office of Cabinet, the Department of Justice and Attorney-General and Queensland Treasury.

The Litigation Reform Commission has also been consulted and has raised no objections to the Bill.

A draft Bill was discussed at a meeting of industry representatives in mid August 1993.

# **NOTES ON PROVISIONS**

## **PART 1—PRELIMINARY**

### *Division 1—Introduction*

*Clause 1* provides that the short title is to be the *Meat Industry Act 1993*.

*Clause 2* provides for the commencement of the Act by Proclamation other than Parts 1 and 2 and clauses 31, 32, 144 and 145.

This will allow for the establishment of the Policy Council and selection committees which committees will nominate persons for appointment as members of the Authority and Abattoir Corporation.

### ***Division 2—Objectives***

*Clause 3* states the main objectives of the Act which are to ensure wholesomeness and integrity of meat are maintained and to foster the interests of the Queensland livestock and meat industry.

The objectives are achieved by establishing three major industry bodies under the Act.

### ***Division 3—Interpretation***

*Clause 4* defines certain terms used in the Bill.

*Clause 5* describes the meaning of the term “disease” when used in relation to an animal and to meat.

The term includes not only infections or pathogens but also chemical or antibiotic residues.

Chemical as defined includes an element.

*Clause 6* defines the meaning of “integrity”.

*Clause 7* describes the meaning of the term “meat”.

Because the nature of meat is changed does not stop it from being meat.

See the examples provided.

Provision is made to exclude fish from animals to which this Act does not apply and to exclude a substance declared by standards not to be meat.

*Clause 8* describes the meaning of the term “meat processing”, and defines the starting point and finishing point of meat processing.

*Clause 9* describes the meaning of the term “program of production”.

*Clause 10* describes the meaning of “retailer”.

A person can be a retailer of meat for a particular transaction even though the person is not a retailer of meat for other transactions and does not ordinarily sell meat as a retailer.

*Clause 11* describes the term “smallgoods”.

*Clause 12* describes the meaning of the term “wholesomeness” of meat for human food and animal food.

#### ***Division 4—Operations of Act***

*Clause 13* provides that the Bill will bind the State.

While the State is not liable for prosecution, provision is made for the prosecution of an officer, employee or agent of the State for an offence.

*Clause 14* provides for a person to be exempted from the operation of the Act.

*Clause 15* states the Bill does not apply to things done under Aboriginal tradition and Islander custom.

*Clause 16* provides that the Bill is in addition to and does not limit the operation of the *Food Act 1981*.

## **PART 2—THE QUEENSLAND LIVESTOCK AND MEAT INDUSTRY POLICY COUNCIL**

*Clause 17* establishes the Queensland Livestock and Meat Industry Policy Council.

*Clause 18* states the functions of the Policy Council. These functions are advisory in nature.

The Policy Council is **not a decision making body**, although it does have some specific roles to play as provided in other provisions of the Act.

*Clause 19* provides that the Policy Council is to consist of the Minister or the Minister's nominee who will Chair the Policy Council, and other persons whom the Minister believes are necessary to adequately represent all sectors of the industry.

*Clause 20* provides for meetings of the Policy Council and the manner in which the Minister or members may call the Policy Council together.

*Clause 21* allows the Policy Council to establish committees to advise it.

## **PART 3—THE QUEENSLAND LIVESTOCK AND MEAT AUTHORITY**

### ***Division 1—Establishment of Authority***

*Clause 22* establishes the Queensland Livestock and Meat Authority.

*Clause 23* states that the Authority is a body corporate with perpetual succession.

It also provides that the Authority does not represent the State and that it is an exempt public authority under the Corporation Law.

### ***Division 2—Functions and powers of Authority***

*Clause 24* states the functions of the Authority.

The primary function relates to ensuring wholesomeness and integrity of meat are maintained.

Other functions relate to the primary function or relate to other matters such as the promotion of meat consumption, the conduct of research and services to the industry.

*Clause 25* provides generally for the powers of the Authority.

The Authority has the power to acquire property but may not acquire shares in an entity holding accreditation under this Act.

*Clause 26* empowers the Authority to delegate its powers.

However, the Authority may only delegate its power to grant accreditation to the chief meat officer.

### ***Division 3—Reserve Powers of Minister***

*Clause 27* permits the Minister to give written notice to the Authority of a public sector policy that is to apply to the Authority where the Minister is satisfied that it is necessary to give the notice in the public interest.

The clause also places an obligation on the Authority to ensure that the policy is carried out.

Before giving the notice the Minister has a duty to consult with the Authority and obtain its advice.

The Minister is also required to cause a copy of the notice to be gazetted within 21 days after it is given.

*Clause 28* permits the Minister to give the Authority a written direction if the Minister is satisfied that it is necessary to give the direction in the public interest because of exceptional circumstances.

A duty is imposed on the Authority to ensure the direction is complied with and further, a duty is imposed on the Minister before giving the direction, to consult with the Authority and seek its advice.

The Minister is also required to cause a copy of the direction to be gazetted within 21 days of giving it.

*Clause 29* provides for matter that must be included in the Authority's Annual Report including particulars of any notices and directions given by the Minister.

### ***Division 4—Membership of Authority***

*Clause 30* provides for a ten member authority consisting of the Chairperson, two persons experienced in beef cattle production or production of sheep for meat, nominated by industry bodies representative

of those producers, and seven other persons experienced in various aspects of the industry.

The ten members are not representative of any particular interest and must discharge their duties in accordance with the Act and in the interests of the consumers of meat.

The seven members who are experienced in various aspects of the industry are nominated by a selection committee.

Provision is made for the appointment of persons to act as a member during the time a member is absent.

The appointment of a chairperson must state whether that person is also to be chief executive of the Authority.

*Clause 31* provides for the establishment of the selection committee, the persons comprising it and the remuneration of its Chairperson.

*Clause 32* provides that the selection committee in nominating seven members of the Authority must ensure that the membership of the Authority when complete will include people experienced in the beef, sheep, chicken meat and pig industries.

The chairperson, deputy chairperson or chief executive officer of the Cattlemen's Union or the United Graziers' Association are not eligible for appointment to the selection Committee.

Further, the selection committee must comply with the Minister's directions concerning procedures and criteria to be adopted in making nominations.

If the selection committee fails to adhere to those directions the Minister may make the nomination.

*Clause 33* provides for the term of office of members of the Authority and the vacation or removal of members from office in certain circumstances.

*Clause 34* provides that members of the Authority are to be paid fees and allowances decided by the Governor in Council.

***Division 5—Proceedings of Authority***

Clause 35 provides for the time and place of meetings of the Authority.

*Clause 36* provides for the procedures of the business of the Authority.

*Clause 37* provides that members of the Authority who have a direct or indirect financial interest in a matter such that the interest could conflict with the proper performance of those members duties, the members must disclose the nature of the interest to a meeting of the Authority and unless the Authority otherwise determines, the member must not be present during any deliberations of the Authority in regard to the matter nor take part in a decision of the Authority in relation to the matter.

*Clause 38* requires the Authority to keep minutes of its proceedings.

***Division 6—Staff***

*Clause 39* provides for the Authority to employ staff.

*Clause 40* places an obligation on the Authority to employ a chief executive officer and a secretary.

Provision is also made for the remuneration of the chief executive officer where that position and the position of the chairperson are held by the same person.

Where the position of chief executive officer and chairperson are held by the same person, that person may not hold the position of secretary.

*Clause 41* provides that the Authority must employ a Chief Meat Officer who will have all the powers of a meat safety officer.

*Clause 42* provides for the appointment of an acting Chief Meat Officer.

***Division 7—Other matters about the Authority***

*Clause 43* empowers the Authority, with the approval of the Governor in Council, to provide superannuation arrangements for the Authority's employees.

Provision is made for persons who were contributing to the State Service Superannuation Fund or who were members of the State Public Sector Superannuation Scheme.

*Clause 44* provides for judicial notice to be taken of the imprint of the Authority's common seal.

*Clause 45* empowers the Authority to establish committees for the purposes of advising the Authority and provides for committee members to receive fees and allowances.

*Clause 46* provides for the application of certain Acts.

The absence of the express reference to the application of an Act in this provision does not mean that an Act does not apply.

*Clause 47* states that the *Parliamentary Commissioner Act 1974* does not apply to a decision about the Authority's commercial policy.

## **PART 4—INDUSTRY ADMINISTRATION**

### ***Division 1—Meat Safety Officers***

*Clause 48* empowers the Authority to appoint employees and other persons to be meat safety officers.

*Clause 49* governs the terms of appointment of meat safety officers.

*Clause 50* provides the extent of a meat safety officer's powers.

It also provides that a standard may limit the powers of meat safety officers of a specified class.

*Clause 51* requires the Authority to issue an identity card to each meat safety officer, and governs the form of the identity card.

*Clause 52* requires a meat safety officer to produce the identity card when exercising powers under the Act.

### ***Division 2—Accreditation***

*Clause 53* states the purpose of the accreditation system is to ensure that the wholesomeness and integrity of meat are maintained.

*Clause 54* authorises the holder of an accreditation to carry out the meat processing stated in the accreditation.

An accreditation does not authorise processing of meat derived from prohibited animals nor does it authorise a person to do anything prohibited under another Act.

*Clause 55* provides the procedure for an application for accreditation.

*Clause 56* imposes a duty on the Authority to consider an application for accreditation and either grant or refuse to grant the accreditation.

This clause provides for the Authority to grant a temporary accreditation while it considers the application.

*Clause 57* provides for the granting of a temporary accreditation for a maximum period of 2 months pending determination of an application.

*Clause 58* provides for the granting of accreditation by the Authority.

The Authority is permitted to grant an accreditation only if it is satisfied that certain requirements are appropriate or that the relevant standards are met.

*Clause 59* provides reasons for refusal of an accreditation to be given promptly to the applicant by written notice stating the decision, the reasons for the decision and advising the applicant of the right to appeal against the decision within 28 days.

*Clause 60* provides that the Authority may impose reasonable and relevant conditions on an accreditation which must be stated in the accreditation.

It allows, for example, that where there is a subsidised full time inspection, the Authority may impose a condition limiting where or to whom meat may be disposed of.

A condition may confer powers on meat safety officers and if the officer exercises that power in accordance with the condition, it is taken to be exercised with the consent of the holder of the accreditation.

*Clause 61* provides for conditions of accreditation to be imposed that allow the Authority to carry out periodic audits without notice to the holder of the accreditation.

Additional audits are permitted where an audit shows significant failure to follow the program of production.

The additional audits are at the cost of the holder of the accreditation.

*Clause 62* provides for other conditions of accreditation to be imposed by this Bill including the fees payable.

Requirements are also made of the holder of an accreditation to advise the Authority of disease in an animal or meat.

It is a condition of accreditation that the holder is only permitted to make changes to premises, vehicles, plant and equipment stated in the accreditation with the Authority's approval.

The holder of an accreditation is obliged to comply with the standards.

*Clause 63* provides that an accreditation may be transferred only as provided in the standards.

*Clause 64* provides that a holder of an accreditation may appoint a person either by name or as otherwise described to be the holder's nominee for the receipt of notices under the Act and to make agreements permitted to be made with the holder of the accreditation.

*Clause 65* provides for the amendment of an accreditation and requires the Authority to give the holder of an accreditation a "show cause notice" where it considers that an accreditation should be amended.

*Clause 66* provides for the Authority to give written notice requiring the holder of an accreditation to return the accreditation within a specified time to enable the Authority to alter the accreditation to reflect an amendment made under clause 65.

Failure to comply with the written notice is an offence unless the holder has a reasonable excuse for non-compliance.

*Clause 67* provides the grounds on which the Authority may suspend, or cancel an accreditation.

The Authority is obliged to give the holder of an accreditation a show cause notice if it considers that grounds exist to suspend or cancel an accreditation.

If after considering all representations made, the Authority still considers that grounds to take action exist, it may cancel or suspend the accreditation.

*Clause 68* provides for the return to the Authority of the suspended or cancelled accreditation.

*Clause 69* allows the holder of an accreditation to surrender an accreditation by written notice given to the Authority.

The accreditation must accompany the notice.

### ***Division 3—Standards***

*Clause 70* empowers the Authority to make standards for the regulatory purposes of the Bill.

*Clause 71* provides that the standards must be approved by regulation.

*Clause 72* provides for a regulation to prevail over a standard to the extent of any inconsistency.

### ***Division 4—Major meat offences***

This division describes the major offences of unlawful processing of meat, the unlawful marking of meat and meat substitution. These offences are punishable by a fine of up to 3000 penalty units.

*Clause 73* makes it an offence for the holder of an accreditation to contravene a condition of an accreditation

*Clause 74* prohibits a person from engaging in meat processing unless the meat processing is authorised under an accreditation.

*Clause 75* prohibits the act of meat substitution, by which a person does an act which may result in another person believing that meat has been derived from a species of animal different from the species that it was actually derived from.

This offence relates to the integrity of the meat.

An example of meat substitution is for meat derived from a kangaroo to be placed in a package of meat which on the outside of the package is marked that the contents are meat derived from cattle.

*Clause 76* makes it an offence for a person to mix another substance with meat that is intended for sale otherwise than in accordance with the *Food Act 1981* or the Authority's standards.

*Clause 77* prohibits a person, unless authorised to do so, from manufacturing, possessing, applying, altering or removing an official mark or manufacturing or possessing an official marking device.

It is an offence to manufacture or possess a mark that is not an official mark but resembles or is intended to resemble an official mark.

*Clause 78* prohibits a person from applying a false trade description to meat.

*Clause 79* prohibits a person, in trade or commerce, from possessing meat that has been packed or marked otherwise than in accordance with the standards.

*Clause 80* provides an offence is committed by a person who attempts to commit an offence against this Division.

### ***Division 5—Administration of accreditation provisions and standards***

*Clause 81* provides for the general powers of a meat safety officer in relation to premises or vehicles stated in the accreditation and permits the entry to premises or boarding of a vehicle as part of the periodic audit of the accreditation's approved program of production or otherwise.

Under this provision a meat safety officer is permitted to inspect anything on the premises, observe meat processing, take samples and mark animals.

An offence is committed for failing to give, without reasonable excuse, reasonable assistance as required by a meat safety officer.

*Clause 82* provides for the analysis of samples taken by meat safety officers.

*Clause 83* provides that where the Authority submits samples taken for analysis it must obtain a certificate certifying the results and give a copy of the certificate to the person from whose meat the sample was taken.

It is an offence to use the results of an analysis as an advertisement.

*Clause 84* empowers the Authority by written notice to enforce standards for premises, vehicles, plant or equipment where there is non-compliance by requiring the holder of an accreditation to take specified action within a specified time.

Provision is made for the notice to prohibit use of premises, vehicles, plant and equipment for meat processing until it complies with the standards.

It is an offence for the holder of an accreditation to contravene a notice given to the holder under this section.

*Clause 85* empowers the meat safety officer to seize meat in certain circumstances if the officer believes that it is necessary to seize the meat to prevent it being dealt with before its wholesomeness and integrity can be decided.

Once satisfied about the wholesomeness and integrity of the meat it must be released immediately.

Where the meat safety officer is not so satisfied the meat becomes the property of the Authority unless its seizure is the subject of an appeal to the Tribunal within 48 hours of it being seized.

If the meat becomes the Authority's property it may sell the meat and the net proceeds are to be paid to the holder of the accreditation or the meat's previous owner.

*Clause 86* empowers the meat safety officer to condemn meat as unfit for human food.

A meat safety officer may agree not to condemn meat provided it is treated within an agreed time so as to make it fit for human food, such as trimming a carcass of a portion which would not be appropriate for human food or where the meat will only be used for animal food.

It is an offence for the holder of an accreditation to contravene the agreed condition.

*Clause 87* empowers a meat safety officer to condemn meat that is inappropriate for both human and animal food.

Again a meat safety officer may agree not to condemn meat provided it is treated to make it appropriate for human or animal food or brought into compliance with the standards or the meat will be used for agreed limited purposes.

Contravention of the agreed condition by the holder of an accreditation is an offence.

*Clause 88* provides where a meat safety officer condemns meat under sections 86 or 87 the officer may order the owner to dispose of it.

It is an offence to fail to comply with the order made.

*Clause 89* provides for the detention of meat to enable an analysis of meat to be performed for the purposes of deciding whether an order to condemn meat under sections 86 or 87 should be made.

*Clause 90* empowers a meat safety officer to prohibit the use of an animal for meat processing which in the meat safety officer's opinion is diseased.

*Clause 91* empowers a meat safety officer to require segregation from meat processing operations, of a person who appears to be suffering from an infectious disease which may be transmitted to a person or animal or which may adversely affect the wholesomeness of the meat.

## **PART 5—ENFORCEMENT MATTERS**

### ***Division 1—Nature of powers of meat safety officer***

*Clause 92* provides the scope of a meat safety officer's powers under this Part.

Where a meat safety officer has a power under a provision of this Part and another provision of the Bill, the officer may exercise the power under either or both provisions.

***Division 2—Powers of meat safety officers in relation to places and vehicles***

*Clause 93* provides for the conditions of entry to a place by meat safety officers.

*Clause 94* provides for the procedures and requirements for an application and issue of a warrant.

Provision is also made for the circumstances in which a Magistrate may issue a warrant.

The content required in warrants is also prescribed.

*Clause 95* provides for the application of a warrant by electronic or another form of communication in urgent or special circumstances.

The clause further places obligations on the Magistrate and the meat safety officer where a Magistrate issues the warrant but it is not practicable to fax a copy.

A facsimile warrant is authority for the entry and exercise of other powers authorised by the warrant issued.

When it is material for a court to be satisfied that a power exercised was authorised by a warrant, the court must assume, unless proved to the contrary, that it was not so authorised if the warrant is not produced in evidence.

*Clause 96* empowers a meat safety officer to enter and board a vehicle if the meat safety officer suspects on reasonable grounds that the vehicle is being or has been used in the commission of an offence, or that the vehicle may afford evidence of the commission of an offence against this Bill.

A meat safety officer may use reasonable and necessary force and require the person in control of a vehicle to give reasonable assistance to the officer to enable the vehicle to be entered and boarded.

It is an offence to disobey a signal to stop a moving vehicle or a signal not to move the vehicle.

It is a reasonable excuse for a person to disobey the signal of a meat safety officer if the person reasonably believes that in obeying the signal immediately it would have endangered the person or another person.

*Clause 97* sets out the general powers that a meat safety officer, who enters a place or boards a vehicle, may exercise.

It is also an offence to fail to provide reasonable assistance if required unless the person has a reasonable excuse.

*Clause 98* provides for the seizure of evidence under the issue of a warrant and the seizure of a particular thing for which the consent of entry by the occupier was made.

Power is given to meat safety officers to seize another thing if necessary to prevent loss or to prevent the use of the thing in committing an offence where the officer believes the thing is evidence of the commission of an offence.

Provision is made for a meat safety officer to seize a thing in a vehicle or the vehicle itself in certain circumstances.

*Clause 99* provides for the procedure to be adopted after a thing or vehicle is seized.

Provision is also made for the meat safety officer to return the seized thing within a specified time.

### ***Division 3—Seizure of unlawfully processed meat***

*Clause 100* allows a meat safety officer to seize meat where the officer has reasonable grounds for believing the offence of unlawful meat processing has been committed, and unless the seizure is the subject of an appeal within 48 hours, the meat becomes the property of the Authority.

*Clause 101* provides that an appeal may be made to the Magistrates Court nearest to where the meat was seized.

Provision is made for the procedure to be followed when starting an appeal.

*Clause 102* describes the hearing procedures of the Magistrates Court.

The Magistrates Court is not, in deciding an appeal, bound by the rules of evidence.

*Clause 103* describes the powers of the Magistrate Court on appeal.

*Clause 104* allows a party aggrieved by a decision of the Magistrates Court to appeal to the District Court on questions of law only.

*Clause 105* provides for the disposal of seized meat that becomes the Authority's property under clause 100(2).

Provision is made for the Court to direct the Authority on the disposal of meat when the Magistrates Court confirms the seizure of meat that was the subject of an appeal.

#### ***Division 4—Other enforcement powers of meat safety officers***

*Clause 106* empowers a meat safety officer to require a person under certain circumstances to state the person's name and address.

A meat safety officer is obliged to warn the person that failure to state the person's name and address is an offence unless the person has a reasonable excuse.

*Clause 107* empowers meat safety officers to require certain persons to give information about a contravention of this Bill.

The meat safety officer has a duty to warn the person that failure to provide the information is an offence unless the person has a reasonable excuse.

It is a reasonable excuse to fail to give the information if giving the information might tend to incriminate the person.

*Clause 108* empowers a meat safety officer to require a person to produce documents for the purpose of this Bill, and the officer may keep the document to make copies or take extracts.

Failure to provide the document is an offence unless the person has a reasonable excuse.

#### ***Division 5—Other enforcement matters***

*Clause 109* allows the Authority to apply to the District Court in certain circumstances for an order restraining a particular activity or restraining a person from committing an offence under this Bill.

Provision is made to enable the Court to make an Order where the Court is satisfied that the person will commit an offence against the Bill if the person continues the activity and the activity may adversely affect the health of persons or animals.

*Clause 110* provides that it is an offence for a person to make a statement which is false or misleading in a material particular either by commission or omission.

*Clause 111* provides that it is an offence for a person to give to a meat safety officer a document containing information that the person knows is false, misleading, or incomplete in a material particular.

*Clause 112* provides for compensation to be paid to a person who incurs loss because of the exercise of a power under this Part.

A court may order payment of the compensation only if it is satisfied that it is just to make the order in the circumstances.

*Clause 113* requires a meat safety officer to give written notice of any damage resulting from the exercise of the officer's powers.

Where it is not practicable to give the notice to the apparent owner of the thing damaged then the officer must leave the notice at the place where the damage happened and ensure the notice is left in a reasonably secure way and in a conspicuous position.

*Clause 114* provides for formalities in regard to consent being granted to a meat safety officer to enter a place.

*Clause 115* provides an assumption that consent was not given for entry unless an acknowledgment of consent is produced to a court or the contrary is proved.

*Clause 116* provides it is an offence to obstruct a meat safety officer in the exercise of a power without a reasonable excuse.

*Clause 117* provides it is an offence to impersonate a meat safety officer.

### ***Division 6—Evidence***

*Clause 118* provides for various evidentiary aids concerning the appointment or authority of a meat safety officer, the purported signature of

persons and certificates purporting to be signed by certain officers of the Authority and analysts.

*Clause 119* provides that the conduct, of representatives of a Corporation or representatives of an individual acting within the scope of the representative's actual or apparent authority, will be imputed to the Corporation or the individual, unless either can establish that reasonable precautions were taken and proper diligence was exercised to avoid the conduct.

## **PART 6—ADMINISTRATIVE APPEALS**

### ***Division 1—The Meat Industry Tribunal***

*Clause 120* establishes the Meat Industry Tribunal.

*Clause 121* provides that the Tribunal is to consist of three members and further provides for qualifications, disqualifications, vacation of office and appointment of persons to act as a member of the Tribunal.

*Clause 122* provides for the remuneration of members of the Tribunal as decided by the Governor in Council.

*Clause 123* provides for a secretary and other staff of the Tribunal.

*Clause 124* provides that the Authority must meet all the expenses associated with the establishment and operation of the Tribunal.

### ***Division 2—Proceedings of the Tribunal***

*Clause 125* provides that the Tribunal is to sit at the times and places decided by the Chairperson.

*Clause 126* provides that the Tribunal may be formed by the Chairperson and one or two other members for the purpose of hearing an appeal.

A decision of the majority of members is the decision of the Tribunal when formed by three members.

If there are two members sitting and there is disagreement the decision of the Chairperson is the decision of the Tribunal.

*Clause 127* provides that the rules of evidence do not apply to the Tribunal and further provides in regard to procedure at the Tribunal.

The Chairperson alone may conduct a preliminary hearing to determine interlocutory and other preliminary matters.

*Clause 128* provides that each party in an appeal bears the party's own costs.

However, where an appeal is struck out, the Tribunal may order the appellant to pay the Authority's costs, as considered by the Tribunal.

*Clause 129* provides that persons may be summonsed to appear before the Tribunal and be required to produce documents.

A witness may be administered an oath or affirmation.

It is an offence to refuse or fail to attend or produce documents, or refuse or fail to be sworn or to make an affirmation, or refuse or fail to answer a question required to be answered by the chairperson.

### ***Division 3—Jurisdiction of the Tribunal***

*Clause 130* provides for the grounds upon which an appeal to the Tribunal may be made.

*Clause 131* describes how an appeal to the Tribunal is commenced.

*Clause 132* empowers the Tribunal to stay the operation of a decision appealed against.

*Clause 133* describes the powers which the Tribunal has in making a determination in relation to an appeal.

## **PART 7—QUEENSLAND ABATTOIR CORPORATION**

### ***Division 1—Establishment of Abattoir Corporation***

*Clause 134* establishes the Queensland Abattoir Corporation.

*Clause 135* provides that the Abattoir Corporation is a body corporate but that it does not represent the State and that the Corporation is an exempt public authority under Corporations Law

### ***Division 2—Functions and powers of the Abattoir Corporation***

*Clause 136* describes the primary and other functions of the Abattoir Corporation.

*Clause 137* grants general powers to the Abattoir Corporation.

*Clause 138* provides for the Abattoir Corporation to delegate its powers.

### ***Division 3—Reserve powers of Minister***

*Clause 139* permits the Minister to notify the Corporation of a public sector policy that is to apply to the Corporation if the Minister is satisfied it is in the public interest.

The Corporation has a duty to ensure the policy is carried out.

The Minister is also obliged to consult with the Corporation and seek its advice whether in its opinion, carrying out the policy would be in the Corporation's commercial interest.

A copy of the notification must be gazetted within 21 days.

*Clause 140* permits the Minister to give the Corporation a written direction if the Minister is satisfied that because of exceptional circumstances it is necessary in the public interest.

The Corporation has a duty to ensure that the direction is complied with.

The Minister also has a duty to consult with the Corporation and obtain its advice.

A copy of the direction must be gazetted within 21 days.

*Clause 141* provides for additional matter to be included in the annual report of the Abattoir Corporation including any notices and directions given to the Corporation by the Minister.

#### ***Division 4—Membership of Abattoir Corporation***

*Clause 142* provides that the Abattoir Corporation is to consist of five or six members appointed by the Governor in Council.

The chief executive officer is appointed on the nomination of the Abattoir Corporation.

Three or four of those members are nominated by a selection committee.

*Clause 143* provides for the chief executive officer of the Corporation to hold office on terms of appointment decided by the Corporation.

Provision is also made for the termination and resignation of the chief executive officer.

*Clause 144* provides for the establishment of a selection committee to nominate members for appointment to the Corporation, the composition of the committee and provides for the remuneration of the chairperson.

*Clause 145* provides for the Minister to give the selection committee written directions concerning procedures and criteria to be adopted in selecting a nominee for appointment to the Abattoir Corporation.

However, a direction may not require the selection committee to nominate a specified person for appointment.

If the selection committee fails to follow directions, the Minister may make the nomination.

*Clause 146* provides for the term of office of members of the Corporation and for vacation or removal from office in prescribed circumstances.

*Clause 147* entitles the members of the Abattoir Corporation to be paid fees and allowances by the Corporation as decided by the Governor in Council.

***Division 5—Plans and reports***

*Clause 148* requires the Abattoir Corporation to submit strategic plans and other reports as required, to the Minister. The Corporation must not implement new activities without the Minister's approval of the plan.

*Clause 149* requires the Corporation to provide the Minister with quarterly reports and provides for the information to be included in those reports.

*Clause 150* provides that on request by the Abattoir Corporation to the Minister, the Minister may delete matter of a commercially sensitive nature from copies of the annual report laid before the Legislative Assembly or otherwise made public.

***Division 6—Proceedings of Abattoir Corporation***

*Clause 151* provides for the time and place of meetings of the Abattoir Corporation.

*Clause 152* provides for procedures governing the conduct of meetings of the Abattoir Corporation.

*Clause 153* provides that members of the Abattoir Corporation, who have a direct or indirect financial interest in a matter such that the interest could conflict with the proper performance of those members duties, must disclose the nature of the interest to a meeting of the Abattoir Corporation and unless the Abattoir Corporation otherwise determines, not be present during any deliberations of the Abattoir Corporation in regard to the matter nor take part in a decision of the Abattoir Corporation in relation to the matter.

*Clause 154* requires the Abattoir Corporation to keep minutes of its proceedings.

***Division 7—Staff***

*Clause 155* empowers the Abattoir Corporation to employ staff.

*Clause 156* obliges the Abattoir Corporation to employ a secretary, and further provides the position may be held by the chief executive officer.

***Division 8—Other matters about the Abattoir Corporation***

*Clause 157* empowers the Abattoir Corporation to provide for superannuation of its staff.

Provision is also made for persons who were contributors to the State Service Superannuation Funds or members of the State Public Sector Superannuation Scheme.

*Clause 158* provides for judicial notice to be taken of an imprint of the Corporation's seal.

*Clause 159* empowers the Corporation to establish committees for the purpose of advising the Corporation.

*Clause 160* provides for the application of certain Acts.

However, the absence of an express application of an Act from this clause does not mean that an Act does not apply.

*Clause 161* excludes the application of the *Parliamentary Commissioner Act 1974* to a decision about the Corporations commercial policy or the Corporation in relation to its commercially competitive activities.

*Clause 162* excludes the application of the *Public Sector Management Commission Act 1990* to the Corporation or its employees.

**PART 8—MISCELLANEOUS**

*Clause 163* places an obligation on the Minister to review the Bill after a period of 5 years.

Within 1 year after the end of the 5 year period the Minister must cause a report of the outcome of the review to be laid before the Legislative Assembly.

*Clause 164* provides that the Authority is vicariously liable for civil

liability in relation to an act or omission done honestly and without negligence by a meat safety officer or a person acting under the direction of a meat safety officer.

Those persons are not personally liable for such acts.

*Clause 165* provides that offences against this Act are summary offences.

*Clause 166* empower the Governor in Council to make regulations for the purposes of the Act.

## **PART 9—TRANSITIONAL PROVISIONS**

*Clause 167* provides for the commencement of this Part and describes the meaning of “changeover day”.

*Clause 168* provides for the continuation of the former Authority during the transitional period and enables that Authority to exercise the functions and powers of the new Authority subject to limitations.

Provision is also made for the continuation of certain provisions of the former Act to apply until the changeover day.

An accreditation granted by the former Authority under this Act is of limited duration.

On the changeover day the former Authority is dissolved and the members go out of office.

*Clause 169* provides for the vesting of assets in the Abattoir Corporation and the new Authority.

*Clause 170* provides for continuity of legal proceedings by or against the former Authority to be continued and finished by or against the Authority constituted under this Bill or the Abattoir Corporation, whichever is appropriate.

*Clause 171* provides for continuity of employment and the continuity of existing and accruing rights of existing staff of the Authority constituted under the repealed Act.

*Clause 172* provides for the continuity of employment of the secretary and a non-prescribed person engaged by the former Authority but does not provide for the secretary of the former Authority to become the secretary of the Authority under this Bill.

*Clause 173* provides for continuity of superannuation schemes.

*Clause 174* provides for the holder of an existing approval, consent, licence or permission to be a holder of an accreditation under this Bill which will authorise, to the greatest practicable extent, the same meat processing subject to the same conditions and restrictions that applied previously.

This accreditation does not authorise meat processing that cannot be authorised under an accreditation granted under this Act and will expire 6 months after the changeover day.

*Clause 175* provides for the Abattoir Corporation to be the holder of an accreditation which authorises, to the greatest practicable extent, the same meat processing the former Authority was authorised to carry out subject to the conditions and restrictions that applied to the meat processing immediately before the commencement.

The accreditation does not authorise meat processing that cannot be authorised under this Act and expires 6 months after the change over day.

*Clause 176* provides for meat inspectors appointed under the former Act to be meat safety officers appointed under this Bill.

It further provides that the appointment expires on the changeover day.

*Clause 177* provides for the Authority to issue an accreditation to persons who are holders of accreditation under clauses 174 and 175 without the further requirement of an application but the accreditation may only authorise substantially the same meat processing as is already authorised by an accreditation granted under those clauses.

*Clause 178* provides for existing orders to continue in force and if not exhausted at the commencement of this Bill, are subject to appeal under this Act as if orders made under this Bill.

*Clause 179* provides for the application of existing regulations and the adaptation of their operation to the provisions of this Bill.

*Clause 180* provides that certain persons are to facilitate the transition by making endorsements necessary to record the vesting of property.

Further, no fees and charges are payable in respect of a request made by the Authority or Abattoir Corporation to make the entries necessary to record the vesting of property.

*Clause 181* enables a regulation made for transitional purposes to be given retrospective effect, but to a day not earlier than commencement.

## **PART 10—REPEALS, AMENDMENTS AND EXPIRY**

*Clause 182* repeals the Acts in Schedule 1.

*Clause 183* provides for minor amendments to the *Stock Act 1915*

*Clause 184* provides a “sunset” of 7 years after the commencement of the Act.