

**MEAT INDUSTRY LEGISLATION
(AMENDMENT AND REPEAL)
ACT 1993**

No. 32 of 1993

AN ACT to amend the *Abattoirs Act 1909* to provide for the termination of the operations of the Western Australian Meat Commission and thereafter to repeal that Act; to amend the *Western Australian Meat Industry Authority Act 1976* to alter the functions of that Authority; to amend the *Marketing of Meat Act 1971* to provide for the reorganization of the membership of the Western Australian Meat Marketing Corporation and to alter its functions as they relate to lambs and lamb product; and for related purposes.

[Assented to 16 December, 1993]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Meat Industry Legislation (Amendment and Repeal) Act 1993*.

Commencement

2. (1) The provisions of this Act, other than Division 3, Division 4 and Division 6 of Part 2, come into operation on such day as is, or days as are respectively, fixed by proclamation.

(2) Division 3 of Part 2 comes into operation on the day fixed under subsection (1) in relation to section 5.

(3) Division 4 and Division 6, respectively, of Part 2 come into operation on such day as is, or days as are respectively, fixed by proclamation, being a day later than the day on which Part 3 comes into operation.

PART 2 — ABATTOIRS ACT 1909

Division 1 — Citation

Principal Act

3. In this Part, the *Abattoirs Act 1909** is referred to as the principal Act.

[* *Reprinted as at 24 March 1992.*

For subsequent amendments see Act No. 6 of 1993.]

***Division 2 — Amendment of Divisions 1 and 2
of Part II of the principal Act***

Sections 12A and 12B inserted

4. The principal Act is amended by inserting, after section 12, the sections following —

“

Minister may give directions

12A. The Minister may give directions in writing to the Commission with respect to the performance of its functions, either generally or with respect to a particular matter, and the Commission shall, subject to this Act, give effect to any such direction.

Minister to have access to information

12B. (1) The Minister is entitled —

- (a) to have information in the possession of the Commission; and

- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Commission to furnish information to the Minister;
- (b) request the Commission to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff and facilities of the Commission to obtain the information and furnish it to the Minister.

(3) The Commission shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Commission.

Section 14A inserted

5. The principal Act is amended by inserting, after section 14, the section following —

“

Liquidation of affairs of the Commission

14A. (1) Notwithstanding anything in this Act or any other written law, it shall be a function of the Commission to wind down its operations and liquidate its affairs when, and to the extent that, the Minister directs it to do so.

(2) Without limiting the generality of section 15, the Commission has power to do all things necessary or convenient to be done for or in connection with the liquidation of the affairs of the Commission.

”

Division 3 — New Division relating to future operations

New Division 3A of Part II inserted

6. The principal Act is amended by inserting, after section 19, the Division following —

“

Division 3A — Transfer of functions by the Commission

Definitions

19A. (1) In this Division —

“**liability**” includes any debt or obligation (whether present or future and whether vested or contingent);

“**Midland Saleyard**” means the saleyards maintained and managed by the Commission at Midland, formerly as an adjunct to the Midland Junction Abattoir;

“operations” includes all functions of the Commission that relate to trading in meat, meat products and livestock, to abattoirs and saleyards, and to other activities in the meat industry;

“Robb Jetty Abattoir” means the undertaking known as The West Australian Meat Export Works, formerly established as a State trading concern under that name and by the operation of section 14 (4) vested in the Commission;

“the Authority” means the Western Australian Meat Industry Authority established by the *Western Australian Meat Industry Authority Act 1976*;

“the Corporation” means the body known as the Western Australian Meat Marketing Corporation established by the *Marketing of Lamb Act 1971* as the Western Australian Lamb Marketing Board and subsequently renamed under the *Acts Amendment (Meat Industry) Act 1985*;

“transfer order” means an order made under section 19D;

“transfer statement” means a statement prepared under section 19C.

(2) A reference in this Division to the operation of a transfer order includes a reference to the operation of section 19D in relation to that order.

(3) A reference in this Division to a **“continuing body”** in relation to any property or liability is a reference either to the Authority or to the Corporation, as the case requires, being the body to which that

property or liability is to be, or is, transferred by the operation of a transfer order.

Cessation of Commission operations

19B. (1) On being directed by the Minister, the Commission shall, at such respective times as the Minister may specify —

- (a) as regards Robb Jetty Abattoir —
 - (i) cease operations there;
 - (ii) provide for the protection of the property and assets; and
 - (iii) sell, or otherwise dispose, of it;
- (b) as regards Midland Saleyard —
 - (i) enter into negotiations to effect the arrangements required by subsection (2); and
 - (ii) cease operations there;

and

- (c) arrange for the transfer to the Corporation of such of the property of the Commission, other than land, buildings or property to which subsection (2) (b) refers, as is in the opinion of the Corporation suitable for use in connection with the functions of the Corporation.

(2) A direction to the Commission to cease operations at Midland Saleyard shall not be given

until the Minister is satisfied that arrangements have been made —

- (a) for the Authority to take over, or arrange for the taking over of, those operations and the future maintenance and management of Midland Saleyard; and
- (b) for the property of the Commission comprised in or utilized in connection with Midland Saleyard, including its land and effluent treatment works at Hazelmere, so far as that property is in the opinion of the Authority suitable for use in connection with the functions of the Authority there or elsewhere, to be transferred to the Authority.

Transfer statement to be prepared

19C. (1) On being directed by the Minister, the Commission, together with either the Authority or the Corporation (whichever is the continuing body to which the statement relates), shall prepare and submit to the Treasurer a statement showing, as at a date specified in the statement —

- (a) a description of the property that is to be transferred to that continuing body by the Commission;
- (b) a description of any liability, whether or not related to a property that is to be transferred, being a liability that is to be transferred; and
- (c) the amount agreed as the value of any property, or agreed as the extent of any liability, to which the statement refers.

(2) The Treasurer may approve a statement as submitted or, after consultation with the Commission, approve it with such modifications as the Treasurer thinks fit.

(3) The Commission, or the continuing body, may before such date as the Minister may direct prepare and submit to the Treasurer a proposed amendment to the statement approved under subsection (2) and that subsection applies to a proposed amendment in the same way as it applies to the statement.

(4) The statement as approved by the Treasurer under subsection (2), and any amendment made to it as so approved, shall be published in the *Gazette*.

Transfer orders

19D. (1) On or after the approval by the Treasurer of a transfer statement, the Minister may by order published in the *Gazette* effect the transfer to the appropriate continuing body of any property which is shown in the transfer statement as to be transferred to that body, and of any liability so shown in the statement, and shall include in the order a sufficient description to enable the property and the liability to be identified.

(2) A transfer order takes effect on the day on which it is published in the *Gazette*, or where another day is specified or provided for in the order, on that day.

(3) On the day on which a transfer order takes effect —

- (a) the property to which the order relates vests, together with all claims, rights and remedies that the Commission had in

respect of the property, by force of this section and without the need for any conveyance, transfer, assignment or assurance, in the continuing body specified in the order in relation to that property;

- (b) the continuing body in which property is vested becomes liable to pay, bear or discharge all the liabilities relating to that property that are transferred to it under the order, so far as they have not been paid or discharged;
- (c) where an agreement or instrument relates to property or any liability transferred by the order it shall thereupon have effect, by force of this section, as if the continuing body in which the property or liability is vested were substituted for the Commission as a party to the agreement or instrument;
- (d) anything done or omitted to be done in relation to the property or any liability allocated, before the order has effect, by, to or in respect of the Commission is (so far as it has any effect) to be taken to have been done or omitted by, to or in respect of the continuing body in which that property or liability is vested; and
- (e) the Commission is to deliver to the continuing body concerned all registers, books of account and other records (however compiled, recorded or stored) relating to the operations of the Commission in so far as they relate to any property or liability allocated to that continuing body under the order.

(4) The operation of a transfer order is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (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) Any legal or other proceedings or any remedies that might, but for this section, have been commenced, continued, discontinued or available by or against or to the Commission in relation to any property or liability allocated to a continuing body under this section, may be commenced, continued, or discontinued, and shall be available, by or against or to that continuing body.

Registration of documents

19E. The Registrar of Titles, the Registrar of Deeds, the Minister administering the *Land Act 1933*, and any other person authorized by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or other property, are to take cognizance of the operation of a transfer order and are empowered to record and register in the appropriate manner such of those documents as are necessary to give effect to the operation of the order.

Arrangements as to stamp duty

19F. Stamp duty is not payable in relation to —

- (a) anything that occurs by the operation of a transfer order; or
- (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under the operation of a transfer order, or to give effect to the operation of a transfer order, or for a purpose connected with or arising out of, giving effect to the operation of a transfer order.

”

Division 4 — New Division, relating to disposal of assets and discharge of liabilities

New Division 3B of Part II inserted

7. The principal Act is amended by inserting, before Division 4 of Part II, the Division following —

“

Division 3B — Disposal of assets and discharge of liabilities

Assets, liabilities, etc., to vest in the State

19G. (1) Subject to the operation of Division 3A, on the coming into operation of this section —

- (a) all property, both real and personal, that immediately before that date was vested in the Commission, together with all claims,

rights and remedies of the Commission in respect of the property, vests in the State;

- (b) the State becomes liable to pay, bear or discharge all the liabilities of the Commission that were in existence immediately before that date and are properly payable;
- (c) the Minister is to take delivery of all registers, books of account and other records (however compiled, recorded or stored) relating to the functions and activities of the Commission; and
- (d) any legal or other proceedings that might, but for this section, have been commenced or continued by or against the Commission may be commenced or continued by or against the Minister, as the case requires.

(2) For the purpose of completing the winding up of the operations and liquidating the affairs of the Commission as soon as is practicable, the Minister shall have, and may exercise, any powers that are necessary.

”

Division 5 — Amendments to financial provisions

Section 20 amended

8. Section 20 of the principal Act is amended —

- (a) by inserting after the section designation “20.” the subsection designation “(1)”; and

(b) by adding the subsection following —

“

(2) The text of any direction given under section 12A shall be included in the annual report submitted by the accountable authority of the Commission under section 66 of the *Financial Administration and Audit Act 1985*.

”.

Section 21 inserted

9. The principal Act is amended by inserting, after section 20, the section following —

“

Financial reporting

21. (1) If sections 66 to 69, inclusive, of the *Financial Administration and Audit Act 1985* have not been complied with before the coming into operation of Division 3B in relation to the affairs of the Commission for the year ending on the preceding 30 June, the Minister is to cause those sections to be complied with in relation to that year as soon as practicable after that.

(2) Subject to subsection (1), as soon as practicable after the date of the coming into operation of Division 3B the Minister is to cause sections 66 to 69, inclusive, of the *Financial Administration and Audit Act 1985* to be complied with in relation to the affairs of the Commission for the period up to the completion of the winding up of the affairs of the Commission, and the report is to be regarded as an annual report for the purposes of section 69 of that Act.

(3) As soon as practicable after the winding up of the affairs of the Commission has been completed the Minister is to cause to be prepared and submitted for audit to the Auditor General a report containing —

- (a) financial statements of receipts and payments relating to the winding up; and
- (b) any other information relating to the winding up that the Minister considers appropriate for inclusion in the report.

(4) The Minister is to cause copies of the report under subsection (3) together with a copy of the opinion of the Auditor General to be laid before both Houses of Parliament within 21 days of receiving the Auditor General's opinion.

(5) Section 69 (2), (3) and (4) of the *Financial Administration and Audit Act 1985* apply to the report under subsection (3) as if it were a report under section 66 of that Act.

(6) The Minister is to arrange for the provision of such clerical and other assistance as is reasonably required for the purpose of this section.

”.

Division 6 — Repeal and consequential amendments

Repeal of the *Abattoirs Act 1909*

10. (1) The principal Act is repealed.

(2) With respect to the repeal effected by subsection (1), this Act is supplementary to, and does not displace the operation of, the *Interpretation Act 1984*.

Certain Acts amended

11. (1) Schedule 1 to each of the *Financial Administration and Audit Act 1985** and the *Government Employees Superannuation Act 1987*** is amended by deleting the item relating to the Western Australian Meat Commission.

[* *Reprinted as at 1 July 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 73-4, and Acts Nos. 2 and 6 of 1993 and Gazette of 13 August 1993 p. 4409.]

[** *Reprinted as at 15 November 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 88 and Acts Nos. 6 and 8 of 1993.]

(2) Schedule V to the *Constitution Acts Amendment Act 1899** is amended, in Part 3, by deleting the item relating to the Western Australian Meat Commission.

[* *Reprinted as at 6 April 1993.*

For subsequent amendments see Acts Nos. 59 and 77 of 1992 and Act No. 2 of 1993.]

**PART 3 — WESTERN AUSTRALIAN MEAT INDUSTRY
AUTHORITY ACT 1976**

Division 1 — Citation

Principal Act

12. In this Part, the *Western Australian Meat Industry Authority Act 1976** is referred to as the principal Act.

[* *Act No. 75 of 1976.*

*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, p. 229.]*

Division 2 — Amendment of the principal Act

Section 5 amended

13. Section 5 of the principal Act is amended —

(a) by deleting the definition of “animal” and substituting the definition following —

“
 “animal” means cattle, sheep, pigs, and
 goats and also includes any other
 animal declared under section 6 to be
 a kind of animal to which this Act
 applies;
”;

(b) in the definition of “carcase”, by deleting “or any portion of such a body” and substituting the following —

“
 and includes a reference to the meat, or
 any other part of the animal, obtained from
 the body
”;

- (c) by inserting, in the appropriate alphabetical positions, the definitions following —

“

“Director General” means the person holding or acting in the office of Director General of the Department of Agriculture;

“Fund” means the Western Australian Meat Industry Authority Fund established under section 15B (1);

“meat” means the carcase, or any portion of the carcase, of an animal which has been slaughtered, and is intended to be used, for human consumption, whether fresh or subjected to chilling, freezing, preserving, salting or any other process of manufacture or preservation, and includes any brine or other liquid in which it is preserved;

“Midland Saleyard” means the saleyards formerly maintained and managed by the Western Australian Meat Commission and formerly an adjunct to the Midland Junction Abattoir;

“processing works” includes any boning room, smallgoods manufacturing facility, or other place where carcasses are processed, in so far as it operates otherwise than by way of retail trading;

“**saleyard**” means a place, whether or not
a reserve, where animals are held
pending or for the purpose of sale;

”;

and

- (d) by deleting the definitions of “Part” and “section”.

Section 6 amended

14. Section 6 of the principal Act is amended —

- (a) by deleting “animal (not of the bovine, ovine, porcine or caprine kind) used for the food of man” and substituting the following —

“

livestock, being a kind to which this Act
would not otherwise apply but which is to
be used for human consumption,

”;

and

- (b) by deleting “for the purposes of this Act” and substituting the following —

“ to which this Act applies ”.

Section 7 amended

15. Section 7 of the principal Act is amended —

- (a) in subsection (2), by deleting “and direction”; and

- (b) by inserting after subsection (2) the subsection following —

“

(3) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or with respect to a particular matter, and the Authority shall, subject to this Act, give effect to any such direction.

”

Section 8 amended, and transitional provisions

- 16.** (1) Section 8 of the principal Act is amended —

- (a) by repealing subsection (1) and substituting the subsection following —

“

- (1) The Authority consists of —

(a) the Director General, or an officer of the Department of Agriculture nominated by the Director General; and

(b) 7 other members, appointed by the Minister, of whom —

(i) one shall be appointed as a representative of the Minister;

(ii) 2 shall be appointed to represent the interests of private abattoirs;

- (iii) one shall be appointed to represent the interests of the meat industry, wholesale and retail;
- (iv) 2 shall be appointed to represent the interests of producers of meat; and
- (v) one shall be appointed to represent the interests of persons directly employed in the processing of meat at abattoirs.

”;

and

- (b) in subsections (2) and (3), by deleting “Governor” and substituting the following —

“ Minister ”.

(2) Where the appointment of a person as a member of the Authority under the provisions of section 8 of the principal Act as enacted before the coming into operation of this section is still in effect immediately before the coming into operation of this section, that appointment is terminated on and by virtue of this section coming into operation.

(3) Subsection (2) does not affect the eligibility of the person to be appointed as a member of the Authority under section 8 of the principal Act as amended by this section.

Section 9 amended

17. Section 9 of the principal Act is amended —

- (a) in subsection (1), by inserting, after “subject to”, the following —

“ section 8 (1) (a) and ”; and

(b) in subsection (3), by deleting “Governor” and substituting the following —

“ Minister ”.

Section 12 amended

18. Section 12 (1) of the principal Act is amended by deleting “five” and substituting the following —

“ 4 ”.

Section 12A inserted

19. The principal Act is amended by inserting, after section 12, the section following —

“

Minister to have access to information

12A. (1) The Minister is entitled —

(a) to have information in the possession of the Authority; and

(b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

(a) request the Authority to furnish information to the Minister;

(b) request the Authority to give the Minister access to information;

- (c) for the purposes of paragraph (b) make use of the staff and facilities of the Authority to obtain the information and furnish it to the Minister.

(3) The Authority shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

- (4) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Authority.

”

Section 15A inserted

20. The principal Act is amended by inserting, after section 15, the sections following —

“

Application of Financial Administration and Audit Act 1985

15A. (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

(2) The text of any direction given under section 7 (3) shall be included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

Cost of administration

15B. (1) There shall be established and kept —

- (a) at the Treasury, as an account forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
- (b) with the approval of the Treasurer, at a bank,

an account to be called the “Western Australian Meat Industry Authority Fund”, and the cost of the administration of this Act, and of the control or management of any abattoir, saleyard or other undertaking or activity assumed by the Authority, shall be paid from that account.

(2) There shall be credited to the Fund —

- (a) any money derived from the control or management of any abattoir, saleyard undertaking or other activity assumed by the Authority; and
- (b) all other money lawfully received, or made available, given or payable, for the purposes of this Act.

- (3) The Fund may be used —
- (a) to meet the costs of the administration of this Act, including any expense incidental to the administration of the Fund;
 - (b) for the payment of any expense directly connected with the control or management of any abattoir, saleyard, undertaking or other activity assumed by the Authority, so far as the Authority may be liable for payment; and
 - (c) for any other expenditure lawfully incurred under and for the purposes of this Act.

”.

Section 16 repealed and a section substituted

21. Section 16 of the principal Act is repealed and the following section is substituted —

“

Functions of the Authority

- 16.** (1) The functions of the Authority are —
- (a) to survey and keep under review the establishments and facilities available in the State for the sale of livestock and the slaughter of animals, and for the processing of carcasses, for human consumption;
 - (b) to review the operation of saleyards, abattoirs and processing works, including —
 - (i) inspecting, and where appropriate approving, the premises and facilities,

and the conduct of operations there; and

- (ii) recording in respect of each establishment its effective capacity and actual performance;
- (c) to implement schemes and practices for the branding of any carcasses or meat, which may include practices to define or identify its —
 - (i) source;
 - (ii) method of production;
 - (iii) processing treatment;
 - (iv) quality; or
 - (v) other characteristics;
- (d) to assume responsibility for, or arrange for the management of —
 - (i) Midland Saleyard; and
 - (ii) if the Minister so directs, any other undertaking, establishment or facility in the meat industry;
- (e) to encourage and promote improved efficiency throughout the meat industry;
- (f) to advise the Minister generally, and in particular as to —
 - (i) methods of overcoming areas of conflicting interest within the meat and livestock industries;

(ii) future requirements for saleyards, abattoirs and processing works, particularly in relation to the overall slaughtering capacity of the State and the location of those establishments; and

(iii) any matter relating to the meat industry referred to it by the Minister, or any matter that it considers necessary;

and

(g) to carry out such other functions as are required to give effect to this Act generally, in relation to saleyards, abattoirs, processing works and other facilities, undertakings or activities in the meat industry.

(2) The Authority has such powers, including a power to acquire and dispose of property, as are necessary for the carrying out of its functions.

”

Section 24C amended

22. Section 24C (2) of the principal Act is amended by deleting
“
carcase,
before the carcase is removed from the abattoir.” and substituting
the following —

“ carcase. ”

Section 24H amended

23. Section 24H of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting “the premises of an abattoir or any premises at which” and substituting the following —

“ any abattoir, processing works or premises at which the inspector has reason to suspect that ”;

(ii) in paragraph (a), by deleting “the carcasses of any prescribed animals or declared animals” and substituting the following —

“ any carcase or meat ”;

(iii) in paragraph (c), by deleting “mark” and substituting the following —

“ brand ”; and

(iv) in paragraph (d), by deleting “premises.” and substituting the following —

“ premises;

(e) open, or cause to be opened, any package and examine its contents; and

(f) seize any package, meat or other thing which in the opinion of the inspector is likely to be evidence relevant to the investigation of a suspected offence under this Act.

”;

and

- (b) by repealing subsection (2) and substituting the subsection following —

“

(2) Where any package, meat or other thing is seized under this section it shall be taken before a justice and thereupon shall be dealt with in the manner provided in section 714 of *The Criminal Code* as though lawfully seized under that Code.

”

Section 26 amended

24. Section 26 of the principal Act is amended —

- (a) in subsection (2) —

- (i) by deleting “A” and substituting the following —

“ Subject to subsection (3), any ”; and

- (ii) by deleting “\$2 000” and substituting the following —

“ \$5 000 ”;

and

- (b) by adding the subsections following —

“

(3) Where a body corporate is convicted of an offence under this Act, the penalty that the court may impose is a fine not exceeding 5 times the maximum amount that, but for this subsection, the court could impose as a pecuniary penalty for that offence.

(4) Proceedings for an offence against this Act or the regulations may be —

- (a) taken by the Director General, or any inspector; and
- (b) commenced at any time within 2 years after the offence was committed.

”.

Section 27 amended

25. Section 27 (1) of the principal Act is amended —

- (a) by deleting paragraph (b) and substituting the paragraph following —

“

- (b) regulating the operations conducted at saleyards, abattoirs and processing works, and the fees and charges payable under this Act in relation to the regulation of, or in respect of any approval sought for, those operations;

”;

- (b) by deleting paragraphs (d), (da), (e), (f) and (g) and substituting the paragraphs following —

“

- (d) regulating the branding of carcasses of, or meat from, prescribed animals and declared animals —

- (i) brought into the State for the purpose of human consumption in the State;

- (ii) subjected, whether before or after slaughter, to some specialized treatment intended to affect quality; or
 - (iii) generally;
 - (e) prescribing brands, including the names of brands;
 - (f) regulating the grant of authority to manufacture, or to use, branding devices;
- ”;
- (c) in paragraph (ga), by deleting the paragraph designation and substituting the designation following —
 - “ (g) ”; and
 - (d) in paragraph (i), by deleting “\$2 000” and substituting the following —
 - “ \$5 000 ”.

Financial Administration and Audit Act 1985

26. Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by inserting, in the appropriate alphabetical position, the following —

“ Western Australian Meat Industry Authority. ”.

[* *Reprinted as at 1 July 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 73-4, and Acts Nos. 2 and 6 of 1993 and Gazette of 13 August 1993 p. 4409.]

PART 4 — MARKETING OF MEAT ACT 1971

Principal Act

27. In this Part, the *Marketing of Meat Act 1971** is referred to as the principal Act.

[* *Reprinted as at 22 August 1988.*
For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 129 and Act No. 6 of 1993.]

Section 4 amended

28. Section 4 of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting the definition of “lamb product” and substituting the definition following —

“ **“lamb product”** includes —

(a) any part of the carcass, skin or offal obtained from a lamb; and

(b) any lamb disposed of, live, by the Corporation; ”;

(ii) by deleting the definition of “livestock” and substituting the definition following —

“ **“livestock”** means —

(a) cattle, pigs, goats, horses and sheep but not lambs; and

(b) any other kind of animal prescribed as a kind of animal to which this Act applies; ”;

(iii) in the definition of “meat”, by deleting “of any livestock when killed which is intended to be used” and substituting the following —

“ obtained from livestock which has been slaughtered, and is intended to be used, ”;

and

(iv) by deleting the definition of “meat product” and substituting the definition following —

“ **“meat product”** means any part of the carcase, hide or skin or any offal intended for human consumption, obtained from any livestock; ”;

and

(b) in subsection (3), by deleting “in subsection (1) shall preclude” and substituting the following —

“ in this Act shall be construed as precluding ”.

Section 7 amended, and transitional provisions

29. (1) Section 7 (1), (1a) and (1b) of the principal Act are repealed and the following subsection is substituted —

“ (1) The Corporation consists of 8 members appointed by the Minister, of whom —

(a) one member shall be appointed as chairman;

- (b) 3 members shall be lamb producers, 2 of whom are to be persons elected by prescribed lamb producers; and
- (c) 4 members shall be persons who have relevant expertise in processing, export marketing, commerce or finance.

”.

(2) Section 7 (9) of the principal Act is amended by deleting “Governor” and substituting the following —

“ Minister ”.

(3) Section 7 (5), (8), (9), (10) and (11) of the principal Act are amended by deleting “other than the manager”.

(4) Where the appointment of a person as a member of the Corporation under the provisions of section 7 of the principal Act as enacted before the coming into operation of this section is still in effect immediately before the coming into operation of this section —

- (a) if that appointment was made following an election of the member by prescribed lamb producers, the member shall continue to hold office for the term specified in the instrument of appointment, as though the appointment had been made by the Minister; but
- (b) otherwise, the appointment is terminated on and by virtue of this section coming into operation.

(5) Subsection (4) does not affect the eligibility of the person to be appointed as a member of the Corporation under section 7 of the principal Act as amended by this section.

Section 8A inserted

30. The principal Act is amended by inserting, after section 8, the section following —

“

Minister to have access to information

8A. (1) The Minister is entitled —

- (a) to have information in the possession of the Corporation; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Corporation to furnish information to the Minister;
- (b) request the Corporation to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff and facilities of the Corporation to obtain the information and furnish it to the Minister.

(3) The Corporation shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

“**document**” includes any tape, disc or other device or medium on which information is

recorded or stored mechanically, photographically, electronically or otherwise;

“**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Corporation.

”.

Section 10 amended

31. Section 10 (3) of the principal Act is amended —

- (a) by deleting “, but the manager and the member nominated under section 7 (1b) (e) to represent the Government are not entitled to vote on any question”; and
- (b) by inserting, after subsection (4), the subsection following —

“

(5) Notice of meetings of the Corporation is to be given to the manager, and the manager is entitled to attend any meeting of the Corporation and to participate in the discussion of any matter at the meeting, but is not entitled to a vote.

”.

Section 14 amended

32. Section 14 (3) of the principal Act is repealed.

Section 14A amended

33. Section 14A of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting paragraph (a) and substituting the paragraph following —

“

(a) in respect of all lambs, whether intended for the domestic or export market, to administer the scheme of delivery, acquisition, slaughtering and marketing provided for in Part III, to the extent, subject to the provisions of the scheme for the time being and any direction given by the Minister under subsection (4), that the Corporation thinks fit;

”;

and

(ii) in paragraph (b), by deleting “in respect of all other forms of livestock, meat and meat products, to trade in and market the same, both” and substituting the following —

“

to trade in and market livestock, meat and meat products

”;

(b) in subsection (3), by deleting —

(i) “under subsection (1) (b)”; and

(ii) “relating to the marketing of livestock, meat or meat products”;

and

(c) by adding the subsection following —

“ (4) The Minister may give directions in writing to the Corporation with respect to the performance of its functions, either generally or with respect to a particular matter, and the Corporation shall, subject to this Act, give effect to any such direction.

”.

Section 14B amended

34. Section 14B of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting “shall” and substituting the following —

“

, unless the Minister otherwise directs and only

”;

(ii) by deleting “cause all” and substituting the following —

“ shall ensure that ”;

(iii) by deleting “including those referred to in subsection (3), to be” and substituting the following —

“ are ”; and

(iv) by deleting “livestock, meat and meat products” and substituting the following —

“ kinds of transactions ”;

(b) in subsection (2) —

(i) in paragraph (b), by deleting “its operations relating to other” and substituting the following —

“
operations that relate to its trade in
or marketing of
”;

and

(ii) by deleting “which does not relate exclusively to one of such operations” and substituting the following —

“
in respect of a transaction which does
not relate exclusively to operations of
a particular kind
”;

(c) by repealing subsection (3); and

(d) by adding the subsection following —

“
(6) Nothing in this section shall be construed as precluding the Corporation from employing any moneys or other asset, however derived, for the general purposes of the Corporation or for a purpose that relates exclusively to its operations of a particular kind.

”.

Section 15 amended

35. (1) Section 15 (1) of the principal Act is amended —

(a) by deleting paragraph (a) and substituting the paragraph following —

“

(a) buy, sell, take or give any lease of, or otherwise acquire or dispose of, any property; ”;

(b) in paragraph (b), by adding, after “contract”, the following —

“

including, subject to the approval of the Minister, any shareholding, partnership or joint venture ”;

(c) in paragraph (e), by deleting “or selling of any lamb or lamb product, or other livestock, meat or meat product;” and substituting the following —

“

selling or other marketing, or the exporting whether or not live —

(i) of any lambs or lamb product; or

(ii) of any livestock, meat or meat product,

and, whether or not pursuant to the scheme of delivery and acquisition referred to in section 16, purchase lamb or lamb product, and livestock, meat and meat product, as it thinks fit;

”;

(d) by deleting paragraph (ea);

(e) in paragraph (f), by inserting —

(i) after “establish”, the following —

“
any abattoir, subject to the approval
of the Minister, and provide ”;
and

(ii) after “maintain”, the following —

“ other ”;

and

(f) in paragraph (g), by inserting, after “act as”, the following —

“ export or ”.

(2) Section 15 (2) of the principal Act is amended by deleting “he” and substituting the following —

“ the Treasurer ”.

(3) Section 15 (3) of the principal Act is amended by deleting “by him” wherever it occurs.

Section 16 amended

36. (1) Section 16 (1) of the principal Act is repealed and the subsection following is substituted —

“
Lambs delivered to the Corporation

16. (1) The Corporation —

(a) may, throughout the State and in all seasons, acquire any lambs to be

slaughtered in the State for human consumption, other than exempt lambs, and —

- (i) arrange for the delivery of the lambs to the Corporation in accordance with subsection (8); and
 - (ii) make payment in accordance with section 22;
- (b) may, by contract, purchase —
- (i) exempt lambs;
 - (ii) lamb product; and
 - (iii) lambs at auction or on farms;
- and
- (c) shall, subject to section 21 and section 21A, market the lambs and lamb product.

”.

(2) Section 16 (2) of the principal Act is amended —

- (a) by deleting “(2) The Corporation may from time to time — ” and substituting the following —

“

(2) The Corporation shall advertise, by such means as it considers appropriate, that it will acquire and market lambs, other than exempt lambs, and thereafter may provide for the delivery of those lambs by specifying —

”;

- (b) by deleting “specify”;

- (c) by deleting “period of notice” and substituting the following —

“ extent of prior notification ”; and

- (d) by deleting “notice.” and substituting the following —

“

notice, and a person who is in possession of such lambs may, subject to this Act, by arrangement with the Corporation deliver the lambs to the Corporation.

”.

- (3) Section 16 (3) of the principal Act is amended —

- (a) by deleting “The” and substituting the following —

“

In order to ensure regularity of delivery and availability of facilities the

”;

- (b) by deleting “and regulate”; and

- (c) by inserting, after “areas”, the following —

“

and may, by such means and at such times as it considers appropriate, make known its requirements

”.

- (4) Section 16 (3a) of the principal Act is repealed and the following subsection substituted —

“

(3a) Where the Corporation believes that for any reason the Corporation, for the time being, may or will be unable to slaughter or market lambs, or to arrange for it, the Corporation may determine not to accept further delivery of lambs, or of lambs to which that particular inability relates, and thereupon the

obligation of the Corporation to accept deliveries to which the determination relates shall be suspended. ”

(5) Section 16 (3b) of the principal Act is amended —

(a) by deleting “is given notice” and substituting the following —

“ determines ”;

(b) by deleting “suspending its obligation” and substituting the following —

“ not ”;

(c) in paragraph (a), by deleting “in the area to which the notice relates”; and

(d) in paragraph (b) —

(i) by deleting “where, for the purposes of subsection (4), the Corporation has granted approval” and substituting the following —

“
if, in accordance with subsection (4) or otherwise, a specific approval has been granted ”;

(ii) by deleting “to the Corporation”;

(iii) by deleting “but pursuant to subsection (3a)” and substituting the following —

“ and ”; and

(iv) by deleting “by the Corporation”.

(6) Section 16 (4) of the principal Act is amended —

- (a) by deleting “or regulation”; and
- (b) by deleting “throughout the State or in a particular area, the Corporation is not obliged to accept delivery of any lambs throughout the State or within that area, as the case may be,” and substituting the following —

“

or when the Corporation has under subsection (3a) determined not to accept delivery of lambs, the Corporation is not obliged to accept the delivery of any lambs

”

(7) Section 16 (5) of the principal Act is repealed.

(8) Section 16 (6) of the principal Act is amended by deleting the passage commencing with “of a lamb” and ending with “under subsection (4),” and substituting the following —

“

if the proposed delivery or delivery is not in accordance with —

- (a) the terms of any notice served or published by the Corporation under subsection (2); or
- (b) subject to subsection (4), any limitation imposed or requirement made known under subsection (3),

but where in such a case the Corporation does accept delivery

”

(9) Section 16 (7) of the principal Act is amended, in paragraph (c), by deleting “dirty”.

(10) Section 16 of the principal Act is amended by adding, after subsection (9), the subsection following —

“

(10) In this section, “**exempt lambs**” means lambs the slaughter of which is, for the time being, declared by the regulations to be exempted from the provisions of section 19.

”.

Section 20 amended

37. Section 20 of the principal Act is amended by deleting paragraph (c) and substituting the paragraph following —

“

(c) the lamb is an exempt lamb, within the meaning of section 16 (10).

”.

Section 22 amended

38. Section 22 (7) of the principal Act is amended by deleting “section 16 (1)” and substituting the following —

“ section 16 ”.

Section 22A repealed

39. Section 22A of the principal Act is repealed.

Section 27 amended

40. Section 27 of the principal Act is amended —

(a) by inserting after the section designation “**27.**” the subsection designation “(1)”; and

(b) by adding the subsection following —

“

(2) The text of any direction given under section 14A (4) shall be included in the annual report submitted by the accountable authority of the Corporation under section 66 of the *Financial Administration and Audit Act 1985*.

”.

Section 29 repealed

41. Section 29 of the principal Act is repealed.

New section inserted

42. The principal Act is amended by inserting after section 28 the new section following —

“

Penalties for bodies corporate

29. Where a body corporate is convicted of an offence under this Act, the penalty that the court may impose is a fine not exceeding 5 times the maximum amount that, but for this section, the court could impose as a pecuniary penalty for that offence.

”.

Section 30 amended

43. Section 30 of the principal Act is amended —

(a) in subsection (1), by deleting “by the manager or”; and

(b) in subsection (2) —

(i) by deleting “the manager or”, in each place where it occurs; and

(ii) by inserting, after “the authority of”, the following —

“ an ”.

Section 32 amended

44. Section 32 of the principal Act is amended by deleting “section 25 of the *Acts Amendment (Meat Industry) Act 1985*” and substituting the following —

“

section 27 of the *Meat Industry Legislation (Amendment and Repeal) Act 1993*

”.