

ACTS AMENDMENT
(WESTERN AUSTRALIAN
MEAT COMMISSION).

No. 70 of 1975.

AN ACT to make provision for the constituting of the Western Australian Meat Commission, to amend the Abattoirs Act, 1909-1971, the State Trading Concerns Act, 1916-1972, and the Marking of Lamb and Hogget Act, 1967-1973; to repeal the Government Stock Saleyards Act, 1941, and the West Australian Meat Export Works Act, 1942; to amend and consolidate the law relating to abattoirs, stock saleyards, and trading in meat, meat products and livestock, and for incidental and other purposes.

[Assented to 7th November, 1975.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Acts Amendment (Western Australian Meat Commission) Act, 1975*.

Short title
and citation.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

PART I.—ABATTOIRS ACT, 1909-1971.

Citation.

3. (1) In this Part of this Act, the Abattoirs Act, 1909-1971, is referred to as the principal Act.

Printed as
approved for
reprint 17th
July, 1970,
as amended
by Acts
Nos. 104 of
1970 and
28 of 1971.

(2) The principal Act as amended by this Act may be cited as the Abattoirs Act, 1909-1975.

Long title
amended.

4. The long title to the principal Act is amended by deleting the words "establishment of Public Abattoirs", in lines one and two, and substituting the passage "constitution of the Western Australian Meat Commission, for the establishment, carrying on, control and management of Government stock saleyards, Public Abattoirs, Meat Export Works, undertakings and trading concerns dealing in livestock, meat and meat products".

Section 2
amended.

5. Section 2 of the principal Act is amended—

(a) by deleting the interpretation of the terms "appointed day", "Board", "Controller", "Midland Junction Abattoir", "Minister", "Officer", and "Prescribed";

(b) by inserting after the interpretation of the term "Abattoir" a new interpretation as follows—

"Commission" means the Western Australian Meat Commission constituted by this Act; ;

(c) by deleting the interpretation of the term "Board employee" and substituting a new interpretation as follows—

"Commission employee" means a person employed or engaged under subsection (2) of section fifteen of this Act; ;

- (d) as to the interpretation of the term "Disease", by deleting the passage "disease mentioned in the Schedule, and any other";
- (e) as to the interpretation of the term "Fund", by deleting the words "Midland Junction Abattoir Board" and substituting the words "Western Australian Meat Commission";
- (f) by deleting the interpretation of the term "Saleyard" and substituting a new interpretation as follows—

"Saleyard" or "government stock saleyard" means a place, whether or not a reserve, where stock is held pending or for the purposes of sale or in connection with the operation of an abattoir, and which is conducted on behalf of the Crown pursuant to the provisions of this Act; ; and

- (g) by deleting the interpretation of the term "Stock" and substituting two new interpretations as follows—

"Stock" means all classes of livestock, other than such as the Governor may by notice in the *Gazette* declare to be exempt from the provisions of this Act; and

"the appointed day" means the day on which the Acts Amendment (Western Australian Meat Commission) Act, 1975, comes into operation. .

6. The principal Act is amended by inserting immediately before section 3 a new heading as follows—

New heading inserted.

Division 2.—Operation of this Act. .

7. Section 3 of the principal Act is amended by deleting the passage commencing with the subsection designation "(1)" and ending with the word

Section 3 amended.

“force”, where it secondly appears in line fifteen, and substituting the passage “The provisions of Division 3 of Part I of this Act apply”.

New heading inserted.

8. The principal Act is amended by inserting immediately before section 4 a new heading as follows—

Division 3.—Abattoirs. .

Section 4 amended.

9. Section 4 of the principal Act is amended by deleting the whole of the passage following the words “the regulations”, in line five, and substituting the words “made under section six of this Act”.

Section 5 repealed.

10. Section 5 of the principal Act is repealed.

Section 5A repealed.

11. Section 5A of the principal Act is repealed.

New heading and section inserted.

12. The principal Act is amended by inserting immediately after section 4 a new heading and a new section, to stand as section 5, as follows—

Division 4.—Government Stock Saleyards.

Saleyards.

5. (1) Where an abattoir is established, maintained and managed pursuant to section four of this Act the Minister, with the approval of the Governor, may establish a government stock saleyard as an adjunct to or in connection with that abattoir.

(2) All government stock saleyards established and conducted by the Crown, whether before or after the appointed day, are deemed to be established under this Act and shall, subject to the provisions of this Act and to any directions given by the Minister, be maintained and administered by the Commission. .

Heading amended.

13. The principal Act is amended, as to the heading immediately preceding section 6, by deleting the designation “2” and substituting the designation “5”.

14. Section 6 of the principal Act is amended— Section 6
amended.

- (a) by deleting paragraph (b) and substituting a new paragraph as follows—
 - (b) the use of the facilities in, and the control and management of, any abattoir, undertaking, government stock saleyard, or trading activity carried on by the Commission; ;
- (b) by inserting a new paragraph, to stand as paragraph (b1) as follows—
 - (b1) controlling the amount of any specified kind of stock, that may be yarded for sale in any government stock saleyard within the Metropolitan Abattoirs District as from time to time declared pursuant to the provisions of section three of this Act; ;
- (c) as to paragraph (c2), by inserting after the word “grading”, in line one of that paragraph, the passage “, classification”;
- (d) by inserting a new paragraph, to stand as paragraph (c3), as follows—
 - (c3) the admission to and removal from any government stock saleyard of persons frequenting that saleyard, and the conduct of persons in saleyards; ;
- (e) as to paragraph (d), by inserting after the word “stock”, in line two, the passage “within a government stock saleyard before sale and prior to removal after sale, or when”;
- (f) as to paragraph (i), by inserting after the word “disinfection”, in line one, the words “of saleyards and”;

- (g) as to paragraph (j),—
 - (i) by inserting after the passage “offal,” in line one, the words “waste matter”;
 - (ii) by inserting after the word “in”, in line two, the words “or from saleyards and”;
- (h) as to paragraph (o), by inserting after the word “abattoirs”, in line three, the passage, “, saleyards, undertakings, or other activities of the Commission”; and
- (i) as to paragraph (p), by inserting after the word “abattoirs”, in line three, the passage “, saleyards and other facilities maintained by the Commission”.

Heading amended.

15. The principal Act is amended, as to the heading immediately preceding section 7, by deleting the designation “3” and substituting the designation “6”.

Section 11 amended.

16. Section 11 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting a new subsection as follows—

(1) Except in relation to any abattoir for the time being managed by the Commission, the Governor may, by Order in Council, authorise any local authority, or any two or more local authorities jointly, to control and manage any abattoir to which the provisions of Division 3 of Part I of this Act apply or to exercise any of the powers in relation to an abattoir conferred on the Governor by this Act, but the power to make regulations shall only be exercisable subject to the approval of the Governor. ; and

- (b) by deleting subsection (4).

17. The principal Act is amended by deleting the headings preceding section 12 and substituting new headings as follows—

Headings amended.

PART II.—WESTERN AUSTRALIAN MEAT COMMISSION.

Division 1.—Constitution of the Commission.

18. Section 12 of the principal Act is amended—

Section 12 amended.

(a) by deleting subsection (1) and substituting a new subsection as follows—

12. (1) On the appointed day a body to be known as the Western Australian Meat Commission shall be constituted as hereinafter provided. ;

Commission.

(b) by deleting subsection (2) and substituting a new subsection as follows—

(2) The Commission shall consist of six persons appointed by the Governor as members, of whom—

(a) one shall be a person having relevant marketing experience;

(b) one shall be a person having relevant experience in financial management;

(c) one shall be a person having extensive and relevant experience in the meat industry;

(d) two shall be persons appointed to represent the interests of producers of meat; and

(e) one shall be a person appointed to represent the interests of the Government of the State. ;

(c) by deleting the word "Board", in line one of subsection (3), line three of subsection (4), line one, line nineteen and line twenty-one of subsection (5), line one of subsection (6), line three and line five of subsection (7), line four of subsection (8), line one of

subsection (9), line one and line four of subsection (11), line four, line six and line seven of subsection (12), and line one of subsection (13), and substituting in each case the word "Commission";

- (d) as to subsection (4), by deleting the word "five", in line three, and substituting the word "four";
- (e) as to subsection (8), by deleting the word "either", in line three, and substituting the word "any";
- (f) by deleting subsection (10) and substituting a new subsection as follows—

(10) A resolution agreed to by a majority of the members of the Commission present at the meeting shall be the resolution of the Commission, and in the event of the votes being otherwise equal the Chairman shall have a casting vote in addition to his deliberative vote. ; and

- (g) as to subsection (11),—
 - (i) by deleting the word "Two", in line one, and substituting the word "Four"; and
 - (ii) by deleting paragraph (b).

Section 13 amended.

19. Section 13 of the principal Act is amended by deleting the word "Board", in line one, line six and line eleven, and substituting the word "Commission".

Section 14 amended.

20. Section 14 of the principal Act is repealed and a new heading and section inserted as follows—

Division 2.—Functions of the Commission.

Changes affecting existing bodies corporate.

14. (1) On and after the appointed day the body corporate hitherto constituted under this Act by the name "The Midland Junction

Abattoir Board" shall be preserved and continue in existence as a body corporate under and subject to the provisions of this Act by the name "Western Australian Meat Commission", but so that the corporate identity of the body corporate and its rights, powers, functions, duties and liabilities are not affected.

(2) A reference to The Midland Junction Abattoir Board, whether by use of that name or a similar or abbreviated form of that name—

- (a) in a law of the State passed or made before the appointed day;
- (b) in any document or other instrument made, executed, entered into or done before the appointed day; or
- (c) made before the appointed day in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate so to do, be read and construed as a reference to the Commission.

(3) For the purposes of this section the term "law of the State" means—

- (a) an Act;
- (b) regulations, rules or by-laws having effect by virtue of an Act; and
- (c) an instrument having effect by virtue of any such Act, regulations, rules or by-laws.

(4) The provisions of this section shall have effect *mutatis mutandis* in relation to The West Australian Meat Export Works established as a State Trading Concern under that name pursuant to section three of the West Australian Meat Export Works Act, 1942, and to the Minister of the Crown charged with the administration of the State Trading Concerns Act, 1916, in so far as under that Act he in the capacity of a body corporate was concerned in the management of The West Australian Meat

Export Works, and without further or other assurance on and after the appointed day all the property, rights, interests and liabilities of that State Trading Concern shall be and become the property, rights, interests and liabilities of the Commission. .

Section 15
amended.

21. Section 15 of the principal Act is amended—

(a) by deleting the word “Board”, in line one, line eight, line eleven, line twenty-three, line twenty-five, and line twenty-seven of subsection (2); line three, line four, line seven and line nine of subsection (3); and line one and line five of subsection (4), and substituting in each case the word “Commission”;

(b) as to subsection (2)—

(i) by inserting after the word “Abattoir”, in line two of paragraph (a), the passage “, the undertaking hitherto known as The West Australian Meat Export Works, and such other abattoirs or undertakings in the meat industry as the Minister may from time to time direct”;

(ii) by deleting the words “maintaining and managing the Midland Junction Abattoir”, in lines one and two of paragraph (b), and substituting the passage “carrying out the objects of this Act in relation to abattoirs, saleyards, and other undertakings, trading and activities in the meat industry”;

(iii) by deleting the words “and engage”, in line one of subparagraph (i) of paragraph (b), and substituting the words “under contracts of service or engage under contracts for service”;

- (iv) by deleting the word “and”, where it secondly appears in line three of subparagraph (vi) of paragraph (b);
 - (v) by deleting subparagraph (vii) of paragraph (b) and substituting three new subparagraphs as follows—
 - (vii) to engage in trade in meat, meat products and livestock;
 - (viii) to assume responsibility for and manage saleyards; and
 - (ix) to do such other things as are in the opinion of the Minister necessary in the public interest in relation to the meat industry; and
 - (vi) by deleting the words “two thousand dollars”, in line thirty-nine, and substituting the words “ten thousand dollars or such lesser figure as he may from time to time direct”;
- (c) as to subsection (3),—
- (i) by deleting the passage “On and after the coming into operation of the Abattoirs Act Amendment Act, 1971, to”, in lines one and two, and substituting the word “To”; and
 - (ii) by deleting the words “preparation and processing of meat”, in lines ten and eleven, and substituting the passage “activities of the Commission under this Act, whether or not that trade is directly related to the meat industry, but only in so far as that trade may be necessary in the interests of the meat industry”; and
- (d) as to subsection (4), by deleting the words “an abattoir”, in line six, and substituting the words “the Commission”.

Section 15A
amended.

22. Section 15A of the principal Act is amended by deleting the word "Board", in line one, line eleven, and line twenty-one, and substituting the word "Commission".

Section 16
repealed
and
re-enacted.

23. Section 16 of the principal Act is repealed and re-enacted with amendments as follows—

Costs of
adminis-
tration.

16. The cost of the administration of this Act and the management of the abattoirs, undertakings, saleyards and other activities of the Commission shall be paid from the Western Australian Meat Commission Fund referred to in section seventeen of this Act. .

Section 17
amended.

24. Section 17 of the principal Act is amended—

- (a) by deleting the words "Midland Junction Abattoir Fund" in lines one and two, and substituting the words "Western Australian Meat Commission Fund";
- (b) by deleting the word "Board", in line ten, line twelve, line thirteen, line fifteen, line twenty-three, line twenty-five, line twenty-eight, line thirty-two, line thirty-four and line thirty-six, and substituting in each case the word "Commission"; and
- (c) by deleting the words "Midland Junction Abattoir", in line eight, and substituting the passage "abattoirs, undertakings, saleyards and other activities of the Commission".

Section 18
amended.

25. Section 18 of the principal Act is amended—

- (a) by deleting the word "Board", in line one, and substituting the word "Commission"; and
- (b) by deleting the word "Part", in line three, and substituting the word "Act".

Heading
amended.

26. The principal Act is amended by deleting the words "*of the Midland Junction Abattoir to the Board*", in lines one and two of the heading preceding section 19, and substituting the words "*Functions to the Commission*".

27. Section 19 of the principal Act is amended— Section 19
amended.

(a) by deleting subsection (2) and substituting a new subsection as follows—

(2) On the appointed day—

- (a) The Midland Junction Abattoir Board as theretofore constituted shall cease to maintain and manage the Midland Junction Abattoir and the saleyard maintained under the Government Stock Saleyards Act, 1941, as an adjunct to that abattoir;
- (b) the Minister having the administration of the trading concern known as the West Australian Meat Export Works under the State Trading Concerns Act, 1916, shall cease to administer that undertaking; and
- (c) the Minister administering the Government Stock Saleyards Act, 1941, shall cease to maintain and control the stockyards established under that Act,

and those several functions and all property of whatever kind certified by the Auditor General as being comprised therein shall by virtue of this Act be transferred to the Commission. ;

(b) as to subsection (3),—

- (i) by deleting the words “the Governor or that Minister”, in lines two and three, and substituting the words “a person who was immediately”;
- (ii) by inserting after the word “day”, in line three, the word “responsible”;
and
- (iii) by deleting the word “Board”, in line five, and substituting the word “Commission”;

No. 70.] *Acts Amendment (Western Australian Meat Commission)*. [1975.]

- (c) as to subsection (4), by deleting the passage commencing with the word "Board", in line three, and ending with the word "the", in line six, and substituting the words "Commission may be substituted as a party to those"; and
- (d) by deleting subsection (5) and subsection (6).

Section 20 amended.

28. Section 20 of the principal Act is amended—

- (a) by deleting the words "In respect of the maintenance and management of the Midland Junction Abattoir the Board", in lines one to three, and substituting the words "The Commission";
- (b) by deleting the word "Board", in each place in line six and in line eleven, and substituting the word "Commission"; and
- (c) by deleting the words "the Board's" in line twelve.

Section 21 amended.

29. Section 21 of the principal Act is amended by deleting the words "Board's accounts", in line one, and substituting the words "records of accounts of the Commission".

Section 22 amended.

30. Section 22 of the principal Act is amended—

- (a) by deleting the word "Board", in line one, and substituting the word "Commission"; and
- (b) by deleting the word "Board's", in line five, line nine and line fifteen.

Various sections amended.

31. The principal Act is amended by deleting the word "Board" wherever it appears in sections twenty-three to thirty-five, inclusive, and substituting in each case the word "Commission".

Schedule repealed.

32. The Schedule to the principal Act is repealed.

PART II.—STATE TRADING CONCERNS ACT, 1916-1972.

33. (1) In this Part of this Act, the State Trading Concerns Act, 1916-1972, is referred to as the principal Act. Citation.

(2) The principal Act as amended by this Act may be cited as the State Trading Concerns Act, 1916-1975. Reprinted as approved for reprint 9th February, 1973.

34. Section 7A of the principal Act is amended by deleting paragraph (a) of subsection (1) of that section. Section 7A amended.

35. The principal Act is amended by inserting after section 26B a new section, to stand as section 26C, as follows— Section 26C added.

26C. (1) In this section—

“appointed day” means the day on which the Acts Amendment (Western Australian Meat Commission) Act, 1975, comes into operation;

“concern” means The West Australian Meat Export Works established as a State Trading Concern under that name pursuant to the West Australian Meat Export Works Act, 1942;

“corporate body” means the corporate body hitherto authorised to carry on the concern under this Act;

“the Commission” means the Western Australian Meat Commission constituted pursuant to the Abattoirs Act, 1909.

(2) On and after the appointed day, pursuant to the provisions of the Abattoirs Act, 1909, and by virtue of this section—

(a) the concern shall cease to be carried on pursuant to this Act and shall be carried on by the Commission pursuant to the Abattoirs Act, 1909; and

The West Australian Meat Export Works.

- (b) the corporate body shall be deemed to have been preserved and continued in existence under and subject to the provisions of the Abattoirs Act, 1909 under the name Western Australian Meat Commission. .

PART III.—MARKING OF LAMB AND HOGGET ACT,
1967-1973.

Citation.

36. (1) In this Part of this Act, the Marking of Lamb and Hogget Act, 1967-1973, is referred to as the principal Act.

Act No. 71
of 1967 as
amended by
Act No. 19
of 1973.

(2) The principal Act as amended by this Act may be cited as the Marking of Lamb and Hogget Act, 1967-1975.

Section 3
amended.

37. Section 3 of the principal Act is amended—

- (a) by deleting the interpretation of the term “Controller” and substituting a new interpretation as follows—

“Director” means the person for the time being holding or acting in the office of Director of Agriculture in the department of the Public Service of the State known as the Department of Agriculture; and

- (b) as to the interpretation of the term “inspector”, by deleting paragraph (b).

Section 5
amended.

38. Section 5 of the principal Act is amended by deleting the word “Controller”, in line twenty-two, and substituting the word “Director”.

PART IV.—REPEALS.

Repeal of
Act No. 15
of 1941.

39. The Government Stock Saleyards Act, 1941 is repealed.

Repeal of
Act No. 24
of 1942.

40. The West Australian Meat Export Works Act, 1942 is repealed.