Abattoir and Meat Inspection (Licensing Arrangements) Bill

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4—14—[454]—850/16.4.92—920430—(Rev. No. 4)(921)
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SCHEDULE 1
Amendments to the Abattoir and Meat Inspection Act 1973

SCHEDULE 2
Acts excluded from the reference under Part 5

By Authority L. V. North, Government Printer Melbourne
A BILL

to provide for the reference of certain matters relating to licensing in the meat processing industry to the Parliament of the Commonwealth, to amend the Abattoir and Meat Inspection Act 1973, to abolish the Victorian Abattoir and Meat Inspection Authority and to provide for the transfer of its responsibilities, to make consequential amendments to various Acts and for other purposes.

Abattoir and Meat Inspection (Licensing Arrangements) Act 1992

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purposes of this Act are to—

(a) refer certain matters relating to licensing in the meat processing industry to the Parliament of the Commonwealth; and

(b) authorise an arrangement to be entered into between Victoria and the Commonwealth for the
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licensing of meat processing establishments in Victoria; and
(c) abolish the Victorian Abattoir and Meat Inspection Authority and to provide for the transfer of its responsibilities; and
(d) remove the requirements for licensing of meat transport vehicles; and
(e) make consequential amendments to various Acts; and
(f) provide for other related matters.

2. Commencement

(1) Part 1 comes into operation on the day on which this Act receives the Royal Assent.
(2) Part 2 comes into operation on a day to be proclaimed.
(3) Part 3 comes into operation on a day to be proclaimed.
(4) Part 4 comes into operation on a day to be proclaimed.
(5) Part 5 comes into operation on a day to be proclaimed.

3. Principal Act

In this Act, the Abattoir and Meat Inspection Act 1973 is called the Principal Act.

4. Definitions

(1) In this Act—

“meat” means any edible part of—
(a) a bovine animal, sheep, pig, goat deer or buffalo intended for human consumption; or
(b) a bovine or equine animal, sheep, pig, goat, deer, buffalo, kangaroo, rabbit or hare intended for use as animal food.
"meat processing establishment" means a meat establishment, knackery or pet food establishment.

"transfer date" means the date on which section 12 comes into operation.

"VAMIA" means the Victorian Abattoir and Meat Inspection Authority established under the Principal Act.

(2) Terms used in this Act and defined in the Principal Act have the same meanings in this Act as in the Principal Act.

PART 2—ABOLITION OF VAMIA AND TRANSFER OF ITS RESPONSIBILITIES

5. Abolition of VAMIA

(1) VAMIA is abolished and its members go out of office.

(2) On and from the date of commencement of this section—

(a) the functions, powers, rights, duties and obligations of VAMIA existing immediately before its abolition become those of the Director-General;

(b) the Director-General is, by force of this section, substituted for VAMIA as a party—

(i) in any legal proceedings (including proceedings by way of appeal, review or arbitration) to which VAMIA was a party immediately before its abolition; and

(ii) to any contract, agreement or arrangement entered into by or on behalf of VAMIA and existing immediately before its abolition;

(c) the Director-General is VAMIA’s successor in law;

(d) in—

(i) an Act other than this Act; or

(ii) a subordinate instrument within the meaning of the Interpretation of Legislation Act 1984; or

(iii) any document whatever—
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a reference to VAMIA, so far as it relates to any period on or after the commencement of this section and if not inconsistent with the context or subject-matter, must be taken to be a reference to the Director-General;

(e) a licence issued or approval given by VAMIA and existing immediately before its abolition continues to have effect as if given or issued by the Director-General and may be cancelled or suspended accordingly;

(f) an application made to VAMIA for a licence or approval and not finally dealt with before its abolition must be taken to have been made to the Director-General and may be dealt with accordingly.

6. Amendments to the Principal Act—Licensing and other matters

The Principal Act is amended as set out in Schedule 1.

7. Consequential amendment to the Local Government Act 1958

In section 797 (1) of the Local Government Act 1958 for “Victorian Abattoir and Meat Inspection Authority” substitute “Director-General within the meaning of the Abattoir and Meat Inspection Act 1973”.

8. Transitional provision—Chief Inspector

Anything of a continuing nature done by the person holding the office of Chief Inspector under the Principal Act immediately before the commencement of this Part has effect on and from that commencement as if done by the Director-General and may be continued, completed or enforced accordingly.

PART 3—MEAT TRANSPORT VEHICLES

9. Amendment to Principal Act—Licensing system abolished

In section 48 (1) (t) of the Principal Act omit “and providing for the licensing of such vehicles without charge
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after inspection and approval by an inspector and providing for the cancellation of licences”.

PART 4—INTERIM PROVISIONS PENDING REFERENCE OF MATTERS TO THE COMMONWEALTH

5 10. Amendments to the Principal Act

The Principal Act is amended as follows—

(a) in section 2 (1) in the definition of “Director-General” after “Rural Affairs” insert “and includes any person authorised to perform the duties of the Director-General under an arrangement under section 6A of the Commonwealth Arrangements Act 1958”;

(b) in section 2 (1) in the definition of “inspector” after “senior inspector” insert “and any person authorised to perform the duties of an inspector under an arrangement under section 6A of the Commonwealth Arrangements Act 1958”;

(c) in section 10 (2) for “fees as prescribed” substitute “any fees that may be prescribed”;

(d) in section 21 (5) after “licence fee” insert “(if any)”; 

(e) in section 29 (1) (a) for “the annual fee as” substitute “any annual fee”;

(f) in section 34 (5) after “licence fee” insert “(if any)”; 

(g) in section 47A after “public service” insert “of the State or the Commonwealth”;

11. Application of Commonwealth Arrangements Act

Section 6A of the Commonwealth Arrangements Act 1958 applies to an arrangement made under that section made to give effect to the Principal Act as amended by this Part as if the reference to the recommendation of the Public Service Board was deleted.
PART 5—REFERENCE OF MATTERS TO COMMONWEALTH

12. Reference of certain matters to the Commonwealth

(1) The following matters are referred to the Parliament of the Commonwealth, to the extent to which these matters are not otherwise included in the legislative powers of the Commonwealth—

(a) licensing of meat processing establishments including but not limited to the criteria for licensing, the inspection of premises for licensing and any other matter whatever related to licensing;

(b) regulating the slaughtering of animals whose flesh is intended for human consumption or for animal food;

(c) regulating the sale, supply and labelling of meat.

(2) The matters referred by sub-section (1) do not include the exercise or performance of any functions, discretions, jurisdiction, powers or duties under the Acts set out in Schedule 2.

(3) The reference under sub-section (1) is for a period commencing on the transfer date and ending on a date fixed under section 13, but no longer.

13. Cessation of reference

The Governor in Council may by proclamation published in the Government Gazette fix a date as the date on which the reference under section 12 ceases to be in force.

14. Expiry of section 12

Section 12 expires on the date fixed under section 13.

15. Long-term arrangement with respect to licensing of establishments

(1) An arrangement for the licensing of meat processing establishments may be entered into by a Minister on
behalf of the State and a Minister of the Commonwealth on behalf of the Commonwealth.

(2) An arrangement under sub-section (1) must include provision for the following—

(a) the licensing of meat processing establishments including but not limited to the criteria for licensing, the inspection of premises for licensing and any other matter whatever related to licensing;

(b) the setting of standards to be met by meat processing establishments;

(c) the investigation of illegal slaughter and other activities relating to the sale, supply and labelling of meat;

(d) consultative arrangements between the State, the Commonwealth and the meat industry to liaise and consult on matters relating to licensing of meat processing establishments;

(e) an undertaking by the Commonwealth that it will take every reasonable action to ensure that the licensing of meat processing establishments continues without interruption at any time in the State;

(f) the State to make necessary arrangements to ensure that requirements for the licensing of meat processing establishments are met if the Commonwealth is unable to provide that service;

(g) an undertaking by the Commonwealth that licensing of meat processing establishments will be carried out using existing Commonwealth resources and at no cost to the State;

(3) An arrangement under sub-section (1) may revoke or vary another arrangement under sub-section (1).

(4) An arrangement under sub-section (1) may alter the functions and membership of the Consultative Committee established under an arrangement made under section 5 of the Abattoir and Meat Inspection (Arrangements) Act 1987 to the extent necessary to enable that Committee to deal with matters concerning the licensing of meat processing establishments and may
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vary or revoke any arrangement made under that section in any way necessary because of the alteration.

(5) If an arrangement under sub-section (1) is in force, the arrangement has effect according to its tenor and the provisions of the Principal Act and regulations under that Act and of any other Act or law relating to the licensing of meat processing establishments or any other matter covered by the arrangement that are inconsistent with the provisions of the arrangement must be taken to have no effect.

16. **Consequential amendments to the Stock Diseases Act 1968**

In the Stock Diseases Act 1968—

(a) in section 12 (2) after “1987” insert “or under an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”;

(b) in section 15 (4) after “1973” insert “or under an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”.

17. **Consequential amendments to the Cattle Compensation Act 1967**

In the Cattle Compensation Act 1967—

(a) in section 3 (2) after “1987” insert “or under an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”;

(b) in section 4 (1) (d) omit “under the Abattoir and Meat Inspection Act 1973”.

18. **Consequential amendments to the Swine Compensation Act 1967**

In the Swine Compensation Act 1967—

(a) in section 3 (2) after “1987” insert “or under an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”;

(b) in section 4 (1) (d) omit “under the Abattoir and Meat Inspection Act 1973”.

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19. **Consequential amendment to the** Health Act 1958

In section 305 of the Health Act 1958 after “1973” insert “or under an arrangement made under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”.

20. **Consequential amendments to the** Food Act 1984

In section 15 of the Food Act 1984 after “1973” (wherever occurring) insert “or under any arrangement made under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”.

21. **Consequential amendment to the** Firearms Act 1958

In section 4 (1) (b) of the Firearms Act 1958 for “chief inspector referred to in section 11 (1) of the Abattoir and Meat Inspection Act 1973” substitute “Director-General within the meaning of the Abattoir and Meat Inspection Act 1973 or in accordance with an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992.”

22. **Consequential amendment to the** Margarine Act 1975

In section 3 of the Margarine Act 1975 in the definition of “Edible tallow” after “1973” insert “or under an arrangement made under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992”.

23. **Consequential amendment to the** Local Government Act 1958

In section 797 of the Local Government Act 1958 after sub-section (6) insert—

“(6A) A reference in sub-section (6) (d) to a meat inspector includes a reference to a person appointed or employed by the Commonwealth who performs functions in relation to the inspection of meat in accordance with an arrangement under section 5 of the Abattoir and Meat Inspection (Arrangements) Act 1992.”
Abattoir and Meat Inspection (Licensing Arrangements) Act 1987 or under an arrangement under Part 5 of the Abattoir and Meat Inspection (Licensing Arrangements) Act 1992.”
SCHEDULES

SCHEDULE 1

(Section 6)

AMENDMENTS TO THE ABATTOIR AND MEAT INSPECTION ACT 1973

1. In section 2 (1)—
   (a) omit the definition of "Authority";
   (b) in the definition of "inspector" for "Chief Inspector" substitute "Director-General".

2. In the heading to Part II for "THE AUTHORITY" substitute "FUNCTIONS OF THE DIRECTOR-GENERAL".

3. Sections 4 to 8 are repealed.

4. In section 9 (1)—
   (a) for "The functions of the Authority shall be" substitute "The functions of the Director-General include";
   (b) in paragraph (c)—
      (i) for "it" substitute "the Director-General";
      (ii) for "Authority" substitute "Director-General";
   (c) paragraph (d) is repealed;
   (d) in paragraph (f) for "it" substitute "he or she".

5. In section 9 for sub-section (2) substitute—
   "(2) Subject to the Public Service Act 1974, there may be appointed any officers that are necessary for the purposes of this Act."

6. In section 11 sub-section (1) is repealed.

7. In section 11 (2) for "shall" substitute "may".

8. In section 14 for "chief inspector" (wherever occurring) substitute "Director-General".

9. In section 21 (2) for "Authority" substitute "Director-General".

10. In section 21 (4)—
    (a) for "Authority" substitute "Director-General";
    (b) for "it" substitute "he or she".

11. In section 22 (2) for "Authority" substitute "Director-General".

12. In section 22 (5) for "Authority" substitute "Director-General".

13. In section 26—
    (a) for "Authority" substitute "Director-General";
    (b) for "it" substitute "he or she".

14. In section 27 for "Authority" (wherever occurring) substitute "Director-General".

15. In section 29 (1)—
    (a) for "Authority" substitute "Director-General";
    (b) for "it" substitute "he or she".
16. In section 29 (2)—
   (a) for “Authority” substitute “Director-General”;
   (b) in paragraph (a) for “it” substitute “he or she”.

17. In section 30 (1) for “Authority” substitute “Director-General”.

18. In section 30 (2) for “Authority” (wherever occurring) substitute “Director-General”.

19. In section 31 (1) for “Authority” (wherever occurring) substitute “Director-General”.

20. In section 31 (2)—
   (a) for “Authority” (wherever occurring) substitute “Director-General”;
   (b) for “its” substitute “his or her”.

21. In section 34 (2) for “Authority” substitute “Director-General”.

22. In section 34 (4)—
   (a) for “Authority” substitute “Director-General”;
   (b) for “it” substitute “he or she”.

23. In section 34A for “Authority” (wherever occurring) substitute “Director-General”.

24. In section 36 (1)—
   (a) for “Authority” substitute “Director-General”;
   (b) for “it” substitute “he or she”.

25. In section 41—
   (a) for “Authority” substitute “Director-General”;
   (b) for “Chief Inspector” substitute “Director-General”.

26. In section 44 (1) for “Authority” (wherever occurring) substitute “Director-General”.

27. In section 44 (2) for “Authority” (wherever occurring) substitute “Director-General”.

28. In the heading to Part VIII omit “AUTHORITY AND”.

29. Section 50 is repealed.

SCHEDULE 2
(Section 12 (2))

Acts excluded from the reference under Part 5

Cattle Compensation Act 1967
Food Act 1984
Health Act 1958
Abattoir and Meat Inspection (Licensing Arrangements)

- Labour and Industry Act 1958
- Local Government Act 1958
- Local Government Act 1989
- Shop Trading Act 1987
- Stock Diseases Act 1968
- Summary Offences Act 1966
- Swine Compensation Act 1967
- Wildlife Act 1975