

EXPLANATORY STATEMENT  
STATUTORY RULES 1990 NO **AUH**

Issued by the authority of the Minister of State for Resources

MEAT INSPECTION ACT 1983

MEAT INSPECTION (MODIFICATION) REGULATIONS (AMENDMENT)

Section 36 of the Meat Inspection Act 1983 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act. It further states that the regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, among other things, a provision of an Act of a State or Territory or a regulation or rule made under such an Act. The section also provides that a power conferred by the Act to make modifications by regulation includes the power to omit any matter or add any new matter.

Subsection 6(1) of the Meat Inspection Act 1983 (the Act) states that the regulations may provide that a specified provision of the Act does not apply or applies with specified

modifications in relation to a specified State (other than New South Wales) or a specified Territory.

Schedule 3 to the Meat Inspection (Modification) Regulations (the Regulations), inserted by Statutory Rules No.125 of 1987, modifies certain provisions of the Act in relation to South Australia.

While Schedule 3 modified subsection 4(1) of the Act to apply the objectives of the Act to South Australia, the Schedule did not contain any modification of subsection 4(3) which allowed for the express application of the Act with modifications to match the limited reference by that State. Therefore some uncertainty existed as to whether subsection 4(3) was in fact so modified, although this may have been implied to some extent by the modification of subsection 4(1).

Further, the Schedule did not expressly adopt the definition of "abattoir" in the Meat Inspection (Commonwealth Powers) Act 1987 (South Australia), which, together with the lack of appropriate modifications in relation to the Meat Inspection (South Australia) Orders, thereby created additional uncertainty with respect to the power of the Commonwealth or of Commonwealth meat inspectors to act or to make decisions under the various Orders made under the Act in relation to South Australia.

The proposed Regulations overcome these uncertainties by omitting Schedule 3 to the Act and substituting a new Schedule 3 which provides that subsection 4(3) of the Act applies in relation to South Australia and that subsection 3(1) of the Act refers to the South Australian definition of "abattoir", and makes other appropriate modifications to the Act in relation to the Meat Inspection (South Australia) Orders\*

Details of the amendments are set out in the attachment to this statement•

SR NO 143/90

MEAT INSPECTION (MODIFICATION) REGULATIONS (AMENDMENT)

Schedule 3 to the Regulations is omitted and a new Schedule 3 is substituted containing the following modifications to the Meat Inspection Act 1983 :

1. Subsection 3(1) - the definition of "abattoir" is omitted and a new definition of "abattoir" is substituted to conform with the meaning of "abattoir" under the Meat Inspection (Commonwealth Powers) Act. 1987 (South Australia!, (the South Australian Act)

- the definition of "meat" is omitted and a new definition of "meat" as applied in relation to South Australia is substituted

- the definition of "prescribed premises" is omitted and a new definition of "prescribed premises" is substituted, referring to an abattoir within the meaning of "abattoir" under the South Australian Act.

2. Subsection 4(1) - modified to apply the objectives of the Meat Inspection Act 1983 to South Australia.

3. Paragraph 4(3)(a) - omitted and substituted by a new paragraph 4(3)(a) under which the South Australian Parliament expressly refers the matter of meat inspection to the Commonwealth Parliament.

4. Sections 11 and 12 and Division 2 of Part II - the Schedule states that these provisions, referring to the regulation making powers with respect to processing plants which are outside the meaning of "abattoir" under the South Australian Act, do not apply in relation to South Australia.

5. Subsection 20(1) - amended to refer to an abattoir within the meaning of "abattoir" under the South Australian Act.

6. Subsection 20(3) - omitted to remove reference to the power of regulations to make different provisions in relation to a State or Territory.

7. Section 22 - amended by omitting reference to a State or Territory and substituting reference to South Australia wherever such reference occurs to apply this section expressly to South Australia

- amended by omitting the general reference to an abattoir or meat processing plant in relation to this section wherever this occurs and substituting reference to an abattoir within the meaning of the South Australian Act.

8. Subsection 29(1) - reference to indictable offences under sections 11 and 12 and Division 2 of Part II is omitted, as these provisions will not apply in relation to South Australia.