

**POULTRY PROCESSING ACT.**

**New South Wales**



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 45, 1969.**

An Act to provide for the registration of plants in which poultry is processed for sale; to make provision for the regulation and control of the processing of poultry in those plants; and for purposes connected therewith. [Assented to, 17th April, 1969.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by No. 45, 1969 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

## PART I.

## PRELIMINARY.

1. (1) This Act may be cited as the "Poultry Processing Act, 1969".

Short title,  
commence-  
ment and  
construction.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act shall be read and construed as operating to the full extent of, but so as not to exceed, the legislative powers of the State, to the intent that when any provision of this Act, or the application of any such provision to any person, subject-matter or circumstance, would, but for this subsection, have been construed as being in excess of those powers, it shall be a valid provision to the extent to which it is not in excess of those powers, and the remainder of this Act and the application of the provision to other persons, subject-matters or circumstances shall not be affected.

2. This Act is divided into Parts as follows :—

Division  
into Parts.

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—INSPECTION—*ss.* 5–6.

PART III.—REGISTRATION OF PLANTS—*ss.* 7–9.

PART IV.—THE PROCESS—*ss.* 10–13.

PART V.—MISCELLANEOUS—*ss.* 14–16.

3.

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No. 45, 1969 **3.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires—  
 Interpretation.

“base weight”, in relation to a carcass, means the weight of the carcass determined immediately before it comes into contact with water in the course of the process;

“carcass” means the eviscerated carcass of any poultry;

“end weight”, in relation to a carcass, means the weight of the carcass determined on the completion of the draining of the carcass in the course of the process;

“inspector” means an inspector appointed for the purposes of this Act;

“operator”, in relation to a plant, means the person who conducts or has control of the plant;

“plant” means any place or premises used for the process;

“prescribed” means prescribed by this Act or the regulations;

“process” means the acts done for the purpose of producing a carcass for sale, commencing with the killing of poultry and ending with the removal of the carcass from the plant; and derivatives thereof have a corresponding meaning;

“registered plant” means a plant that is for the time being registered pursuant to this Act;

“regulations” means regulations made under this Act;

“sale” includes—

- (a) offering or exposing for sale;
- (b) keeping or having in possession for sale;
- (c) bartering or exchanging;
- (d) agreeing to sell;
- (e) sending, forwarding or delivering for sale or on sale; and

(f)

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(f) authorising, directing, causing, permitting No. 45, 1969  
or suffering any of those acts or things;

“this Act” includes the regulations;

“weight gain”, in relation to a number of carcasses, means the difference between the total base weight and the total end weight of those carcasses expressed as a percentage of the total base weight of those carcasses.

4. (1) The Minister may, by notification published in the Exemptions. Gazette, exempt—

- (a) any class of poultry;
- (b) any operator;
- (c) any plant or class of plant; or
- (d) any particular process or processes of any particular class of process.

from the whole or any specified provisions of this Act. The Minister may in a like manner amend, vary or revoke any such notification.

Any such notification shall take effect from a date specified therein.

(2) While a notification of exemption under this section is in force, this Act or the specified provisions of this Act, as the case may be, shall not apply to or in relation to the class of poultry, the operator, the plant, the class of plant, the particular process or the processes of any particular class of process so exempted.

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PART II.

INSPECTION.

5. (1) Such inspectors as may be necessary for the purposes of this Act shall be appointed or employed under and subject to the provisions of the Public Service Act, 1902, as subsequently amended. Appointment of inspectors.

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No. 45, 1969 (2) Every inspector shall be provided by the Minister with a certificate of identification in the prescribed form.

Powers of inspectors.

6. (1) An inspector shall have and may exercise all the powers, rights and duties conferred on him by or under this Act or which are necessary or expedient for carrying out or giving effect to the provisions of this Act, and in particular, without affecting the generality of the foregoing, an inspector may if he has reasonable cause to suspect that acts done in any place or premises are for the purposes of producing carcasses for sale—

- (a) at all reasonable times enter such place or premises, remain on such place or premises and carry out any test or investigation in order to ascertain whether the provisions of this Act have been or are being complied with;
- (b) when carrying out any test or investigation, mark any carcass for the purpose of identifying that carcass; and
- (c) seize and retain any carcass which in his opinion is necessary or expedient to be seized and retained for the purposes of carrying out any test or investigation or enforcing the provisions of this Act.

(2) An inspector, in exercising in any place or premises any power, right or duty under this Act, shall, if so requested by any person apparently in charge of such place or premises or of any act constituting part of the process carried out therein, produce his certificate of identification to that person.

(3) An inspector may be accompanied by and use such persons as he considers necessary to assist him in the exercise of his powers, rights and duties under this Act.

(4)

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(4) Any person who delays, obstructs, hinders or impedes— No. 45, 1969

- (a) an inspector in the exercise or performance of his powers, rights and duties under this Act; or
- (b) a person assisting an inspector in the exercise or performance of his powers, rights and duties under this Act,

shall be guilty of an offence against this Act.

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PART III.

REGISTRATION OF PLANTS.

7. (1) As from the expiration of three months after the commencement of this Act— Unregistered plant not to be operated.

- (a) an operator shall not undertake or suffer or permit the process to be undertaken in any plant of which he is the operator unless that plant is a registered plant; or
- (b) no person shall undertake or suffer or permit any act constituting part of the process to be undertaken in any place or premises not being a registered plant.

(2) Any operator or person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding five hundred dollars for each day on which the process or act, as the case may be, is so undertaken.

8. (1) Any person who becomes the operator of a registered plant shall, within twenty-eight days of so becoming the operator, notify the Minister in writing of that fact. Person becoming operator of registered plant to notify Minister.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

9.

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No. 45, 1969  
Registration  
of plants.

9. (1) An application for registration of any plant or for the renewal of registration may be made to the Minister.

(2) An application for registration or for renewal of registration shall—

- (a) contain the prescribed particulars;
- (b) be in or to the effect of the prescribed form; and
- (c) be accompanied by the prescribed fee.

(3) Different fees may be prescribed for the purposes of subsection two of this section according to different classes of plants.

(4) Where in respect of any plant the applicant for registration or for renewal of registration has complied with the provisions of subsection two of this section, the Minister, except where, in the case of an application for renewal of registration, a period of suspension in respect of processing carcasses under subsection three of section ten of this Act has not expired, shall cause the plant to be registered and shall thereupon cause a certificate of registration in the prescribed form to be issued to the applicant. Registration shall be in force for a period of twelve months from the date of its issue.

(5) During any period for which a plant is registered, the operator of that plant shall affix and keep affixed the certificate of registration issued in respect of that plant in some conspicuous place in or upon that plant.

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PART IV.

THE PROCESS.

Operator not  
to permit  
excessive  
weight gain.

10. (1) Where in any plant—

- (a) a prescribed number of carcasses are tested by an inspector in the prescribed manner for weight gain; and

(b)

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- (b) the weight gain of the carcasses so tested exceeds the No. 45, 1969 prescribed percentage,

the operator of the plant shall be guilty of an offence against this Act.

(2) Any operator who commits an offence against this section shall be liable to a penalty not exceeding two thousand dollars.

(3) Where an operator is convicted of an offence against subsection one of this section the court may, in addition to any penalty imposed on the operator, order that the processing of carcasses in the plant in respect of which the offence was committed shall be suspended for such period not exceeding six months as the court determines.

Court may suspend processing in a plant.

(4) Where during the period of suspension a court is satisfied that the processing of carcasses in that plant will be carried out in accordance with the provisions of this Act, the court may vary or remove the period of suspension.

(5) During the currency of an order of suspension under this section the plant in respect of which the order was made shall be deemed not to be registered under this Act.

An operator aggrieved by any suspension as aforesaid may appeal to the District Court in the district in which the plant is situated. Such appeal shall be in accordance with rules of court.

Pending the determination of any such appeal such order shall be stayed.

The District Court may confirm, vary or annul any such suspension.

11. (1) Except as provided by the regulations a person shall not deal with or cause or permit any other person to deal with any poultry or any carcass during the prescribed

Prevention of water entering tissues of poultry or carcass.

stages



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No. 45, 1969 stages of the process in such a manner as to enable water to be retained in the tissues of the poultry or the carcass as the case may be.

(2) For the purpose of subsection one of this section "the prescribed stages of the process" means the whole of the process other than the stages commencing immediately after evisceration and ending immediately after the draining of the carcass.

Inspector  
may give  
directions.

12. (1) An inspector may give an operator such reasonable directions in writing as he considers necessary to ensure that the weight gain of carcasses occurring in consequence of the process does not exceed the prescribed percentage.

(2) An operator to whom any direction is given pursuant to subsection one of this section shall not refuse or fail to comply with that direction.

(3) An operator who refuses or fails to comply with a direction given by an inspector under this section shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding five hundred dollars.

(4) Where a direction given pursuant to subsection one of this section is the subject of an appeal under section thirteen of this Act any proceedings with respect to an offence against this section shall be stayed until the appeal is determined.

Appeal  
against  
directions.

13. (1) An operator aggrieved by a direction of an inspector given to him pursuant to section twelve of this Act may in the prescribed manner and within the prescribed time appeal to the Minister.

(2) The Minister may hear and determine the appeal himself or may appoint a senior officer of the Department of Agriculture to hear and determine the appeal.

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(3) In determining an appeal the Minister or the person appointed (as the case may be) may—

- (a) confirm the direction, in which case the direction shall for the purposes of this Act or any proceedings under this Act stand in full force and effect;
- (b) annul the direction, in which case the direction shall for the purposes of this Act or any proceedings under this Act be and be deemed always to have been void and of no effect; or
- (c) vary the direction, in which case the direction as varied shall be deemed to be and always to have been the direction of the inspector.

(4) The determination of the appeal by the Minister or the person appointed (as the case may be) shall be final and shall not be subject to any further appeal.

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PART V.

MISCELLANEOUS.

14. For the purposes of this Act or of any proceedings under this Act—

- (a) a certificate under the hand of the Minister stating that on a date specified therein a plant was or was not a registered plant; and
- (b) a certificate under the hand of an inspector stating that any test or investigation stated in the certificate was carried out with a result stated in the certificate,

shall be prima facie evidence of the facts stated in the certificate.

15. (1) Any person who commits any offence against this Act shall, if no other penalty is expressly provided, be liable to a penalty not exceeding two hundred dollars.

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(2) All proceedings for offences against this Act shall be disposed of summarily before a stipendiary magistrate or any two justices of the peace in petty sessions.

(3) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Regulations. **16.** (1) The Governor may make regulations, not inconsistent with this Act, for and with respect to—

- (a) the manner in which applications for registration or for renewal of registration of plants shall be made under this Act;
- (b) prescribing the information which shall appear on any package containing a carcass as to the presence or absence in or on the carcass of—
  - (i) any giblets; or
  - (ii) any prescribed part of poultry;
- (c) prescribing the type, number, weight or kind of giblets or prescribed part of any poultry which may be included in a carcass and the method to be followed with respect to the packing of giblets or prescribed parts of any poultry;
- (d) controlling and regulating the process and prohibiting the doing of any prescribed act or thing as a part of the process;
- (e) prescribing or regulating tests for the purposes of determining weight gain;
- (f) all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may prescribe penalties not exceeding two hundred dollars for any breach thereof.

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(3) A regulation may be of general or specially No. 45, 1969 limited application according to time, place or circumstances, and may be general or restricted to any specified class of subject-matter.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or a later date specified in the regulations; and
- (c) be laid before each House of Parliament within fourteen sitting days of that House after the date of publication.

(5) If either House of Parliament passes a resolution, of which notice has been given within fifteen sitting days of that House after a regulation has been laid before it, disallowing the regulation or any part thereof, the regulation or part thereupon ceases to have effect.