

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MEAT (AMENDMENT) ORDINANCE 1988

ORDINANCE NO. 19 OF 1988

The Meat (Amendment) Ordinance 1988 (the new Ordinance) amends the Meat Ordinance 1931 (the previous Ordinance) to introduce new provisions relating to identification of authorised meat inspectors and the notification and review of decisions relating to slaughter permits. These amendments have been compiled as a consequence of the recommendations of the Senate Standing Committee on Regulations and Ordinances. The amendments have been based upon the rationale that persons exercising investigatory powers do so in accordance with adequate safeguards relating to identification. The amendments relating to appeals against decisions reflect the increasing importance being placed upon the issue of entitlement to review the decisions of bodies exercising decision-making powers. The new Ordinance also transfers powers to the General Manager of the ACT Health Authority now exercised by the Chairman.

Section 1 sets out the short title of the new Ordinance.

Section 2 defines "Principal Ordinance" as the Meat Ordinance 1931.

Section 3 amends section 4 of the previous Ordinance to substitute General Manager for Chairman in the definition of authorised person and to omit the definition of Chairman and in its place insert a definition of General Manager to mean the General Manager of the ACT Health Authority. This amendment reflects the restructuring of the Authority during 1987 when the office of Chairman was abolished.

Section 4 inserts a new section 5A requiring the Minister to issue to each authorised person an identity card specifying the name of the person and the



capacity to which the person is authorised. The identity card is to have attached a recent photograph of the authorised person. The authorised person is to return to the Minister the card, upon ceasing to be an authorised person, failing which a penalty of \$100 is imposed. This provision was inserted at the request of the Senate Standing Committee.

Section 5 amends section 8 of the previous Ordinance to require the consent of the General Manager to the slaughter of an animal otherwise than at an abattoir, instead of the consent of the Chairman.

Section 6 inserts a new section 9 to require the General Manager, after making a decision not to consent to the slaughter of an animal, to give written notice within 28 days of the decision to the person whose interests are affected by the decision. The person is also to be informed of the right to request a written statement of reasons pursuant to section 28 of the Administrative Appeals Tribunal Act 1975, and of the right to seek review of the decision by application to the Administrative Appeals Tribunal. The decision of the General Manager not to consent to the slaughter of an animal is not to be rendered invalid by a failure to give any of the above notifications. New section 9A provides for application to be made to the Administrative Appeals Tribunal for a review of a decision by the General Manager not to consent to the slaughter of an animal. This provision was inserted at the request of the Senate Standing Committee. Section 9A is in conformity with review provisions contained in other contemporary legislation.

Subsections 18(2) and 18(4) of the previous Ordinance required meat inspectors, in the exercise of certain of their powers of entry and inspection, to produce upon request written evidence of authorisation as a meat inspector. Section 7 amends subsections 18(2) and 18(4) to require the production upon request of the identity card issued under section 5A of the new Ordinance, instead of written evidence of authorisation.

Section 8 amends subsection 19A(2) of the previous Ordinance to substitute the signature of the General Manager for that of the Chairman on any document used in court proceedings for offences against the new Ordinance.

