**POULTRY MEAT HYGIENE BILL 1986**

**Legislative Council, 4 March 1986, pages 799-800**

Second reading

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

Explanation of Bill

The Poultry Meat Hygiene Bill 1986 was introduced into Parliament during the last session but lapsed. The present Bill is the same as before except that clauses 28 and 29 of the previous Bill and references to the declared day have been deleted. Since the passing of the Meat Hygiene Act 1980, poultry processing is the only significant item of food not covered by specific legislation. Poultry naturally carry more organisms capable of producing food poisoning than other food animals, and the nature of poultry processing is such that there is a far higher risk, of cross-contamination.

Meat carcasses can be kept separate during the slaughtering process until after post-mortem inspection, but during poultry processing mixing is unavoidable. This applies to large or small processing works, regardless of the speed of operation. Works that operate at high speed, up to 4 000 birds an hour, have a further problem in that it is difficult to sanitise effectively processing equipment between each bird. Consequently, hygiene and construction standards are essential to reduce the spread of food-poisoning organisms. There are about 39 poultry processing works, of which four process about 90 per cent of the poultry produced in South Australia. Standards of construction and hygiene at many of the smaller works are low and represent a health risk to the community and to the employees.

This Bill is similar to the Meat Hygiene Act 1980 but it will apply to poultry meat instead of red meat. It sets standards of construction and hygiene at poultry processing works and will bring to the industry the same standards that apply to the red meat industry. These standards have been prepared in consultation with the Poultry Meat Industry Committee which represents growers and the major producers. The committee recommended that hygiene standards should apply equally to all processing works, regardless of size, but that construction standards should be applied flexibly to the smaller works. This will be done.

As the Bill will also apply to ducks, geese, turkeys, etc., processors of these species have also been consulted. As part of a national agreement, dating back to 1976, South Australia has been committed to a phased schedule for the introduction of standards of construction, hygiene and poul­try meat inspection. Some States have implemented this schedule to the point where they now insist on inspecting and approving individual processors in South Australia, at the processor's expense, prior to granting entry to their products. The proposed standards in this Bill will eliminate this discrimination.

The national agreement culminated in full-time poultry meat inspections and clause 28 of the original Bill made provision for this. However, since the Bill was drafted, the national agreement has been reviewed and it is now accepted that on-plant inspection is unlikely to be as practical and as effective as random spot checks. Consequently, clauses 28 and 29 of the previous Bill have been deleted.

The Bill will bring poultry processing under the control of the Meat Hygiene Authority as presently constituted under section 6 of the Meat Hygiene Act 1980. The authority consists of the chairman, who is the Chief Inspector of Meat Hygiene and who must be a veterinary surgeon, a nominee of the South Australian Health Commission and a nominee from the Local Government Association Incorporated. In February 1981, when the meat hygiene legislation came into force, the standards of construction and hygiene at many of the slaughtering works in South Australia were very low. The authority had the difficult task of ensuring that upgrading programs were implemented. Now 16 abattoirs and more than 70 slaughterhouses substantially comply with the legislation.

The authority will be given power to issue licences for poultry processing works but will not be concerned with marketing of poultry meat products. The Bill will not apply to the production or sale of eggs. A Poultry Meat Hygiene Consultative Committee will be set up, similar to the Meat Hygiene Consultative Committee, to advise the authority on any matter relative to its functions under the Act or the administration of the Act. The committee will comprise representatives of the various bodies concerned with poultry processing.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides that the Poultry Meat Industry Act 1969 is amended as shown in the schedule. Clause 4 sets out definitions of expressions used in the measure. Part II, comprising clauses 5 to 11, provides for administrative matters.

Clause 5 provides that the Meat Hygiene Authority established under the Meat Hygiene Act 1980 shall be responsible, subject to the control and directions of the Minister, for the administration of the measure. Clause 6 sets out the functions that the authority is to have for the purposes of this measure, in addition to its functions under the Meat Hygiene Act. These functions principally relate to the licensing of poultry processing works. The authority is also to keep under review and report to the Minister on the killing and processing of birds and the production of poultry meat and poultry meat products, the standards of hygiene and sanitation at poultry processing works and poultry meat inspection procedures.

Clause 7 provides that the authority shall incorporate in its annual report to Parliament (that is, its report under the Meat Hygiene Act) a report on its operations under this measure during the year to which the report relates. Clause 8 provides that the Minister may appoint a 'Poultry Meat Hygiene Consultative Committee' to advise the authority on any matter relating to its functions under the measure or the administration of the measure. Clause 9 provides for the appointment under the Public Service Act of staff for the purposes of the measure and enables the authority to make use of the services of officers of departments of the Public Service. Clause 10 provides that the person for the time being holding or acting in the office of the Chief Inspector of Meat Hygiene under the Meat Hygiene Act shall be the Chief Inspector of Poultry Meat Hygiene for the purposes of the measure. Under the clause, the Gover­nor is empowered to appoint inspectors.

Clause 11 protects members of the authority and inspectors from personal liability for any act done or omission made in good faith in the exercise, performance or discharge, or purported exercise, performance or discharge, of a power, function or duty under the measure. Part III, comprising clauses 12 to 25, deals with the licensing of poultry processing works. Clause 12 is one of the basic provisions of the measure, prohibiting the killing of birds for the production for sale of poultry meat or any poultry meat product except at a licensed poultry processing works. Clause 13 regulates applications for licences. Clause 14 regulates the grant of licences in respect of poultry processing works not in operation at commencement of this measure and sets out the criteria which the authority is to have regard to in determining whether or not a licence should be granted.

Clause 15 provides for the automatic licensing of poultry processing works in operation during the period of three months preceding the commencement of the provision, notwithstanding that a particular works may not conform to the prescribed standards of construction, plant and equipment for licensed poultry processing works. Subclauses (3) and (4) provide for exemptions from compliance with the prescribed standards for a maximum period of three years. Clause 16 permits the authority to attach conditions to licences. Subclause (2) makes it clear that conditions may be attached to licences limiting the maximum throughput of the works or requiring the upgrading of works that are exempt from compliance with a prescribed standard pursuant to clause 15 (3). Clause 17 provides for review by the Minister of any refusal by the authority to grant a licence or any licence condition imposed by the authority. Clause 18 prohibits operation of a poultry processing works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of the works.

Clause 19 provides for the renewal of licences. Clause 20 provides for the surrender, suspension and cancellation of licences. Clause 21 provides for a right of appeal to a district court against the suspension or cancellation of a licence. Clause 22 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 23 requires the authority to keep a register of licences. Clause 24 prohibits the carrying out of structural alterations to a poultry processing works without the approval of the authority.

Clause 25 provides for the recognition of poultry processing works outside the State, if they are of a standard equivalent to the standard required under this measure for licensed poultry processing works. Part IV, comprising clauses 26 to 29, relates to the inspection, branding and sale of poultry meat and poultry meat products. Clause 26 provides the powers necessary for an effective system of inspection and the particular attention of honourable members is drawn to this clause. Included in this clause is the power of an inspector to dispose of any poultry meat or poultry meat product that in his opinion was derived from a diseased bird or is unfit for human consumption for any other reason. Clause 27 empowers an inspector to direct that steps be taken to remedy defects in a poultry processing works that in the inspector's opinion render it insanitary or unhygienic and to order the works to close down, wholly or partially, in the meantime. Provision is made in this clause for an appeal to the Minister against such requirements of an inspector.

Clause 28 prohibits the sale of poultry meat or a poultry meat product unless it was produced at a licensed poultry processing works or at a poultry processing works located outside the State that is recognised under clause 25. Clause 29 prohibits the sale of poultry meat or any poultry meat product that is unfit for human consumption. Part V, comprising clauses 30 to 38, provides for miscellaneous matters. Clause 30 empowers the Minister to exempt any person from compliance with all or any of the provisions of the measure or to exempt a poultry processing works from all or any of the provisions of the measure. Clause 31 makes provision for the service of documents. Clause 32 prohibits the furnishing of information, or the keeping of records containing information, that is false or misleading in a material particular.

Clause 33 is an evidentiary provision. Clause 34 provides for general defences to offences created by the measure. Clause 35 provides for a summary procedure in respect of offences against the measure. Clause 36 is the usual provision subjecting officers of bodies corporate convicted of offences to personal liability in certain circumstances. Clause 37 provides for the imposition of penalties for continuing offences. Clause 38 empowers the making of regulations.

The schedule sets out the amendments to the Poultry Meat Industry Act 1969 that are consequential to this measure. The amendments remove all provisions dealing with weight gain and the quality and packaging of poultry meat— matters which will be dealt with by regulations under this measure. That Act will, as a result, be confined in its scope to the regulation of the relationship between the operators of processing plants and the operators of chicken farms.

The Hon. J.C. IRWIN secured the adjournment of the debate.