

**Refugee Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

Research Response Number: CHN34877
Country: China
Date: 11 June 2009

Keywords: China – How butchery skills are acquired in China – Registration of butchers in Australia – Licensing of retail meat premises in Australia

Questions

- 1. Please provide any available information on how butchery skills are acquired in China.**
- 2. Please confirm if it is possible to register a meat retail business in New South Wales without employing a qualified butcher.**
- 3. Please confirm whether there are licensing or registration requirements for butchers in New South Wales.**

RESPONSE

- 1. Please provide any available information on how butchery skills are acquired in China.**

No information was found amongst the sources consulted on how butchery skills are acquired in China.

Meat and Livestock Australia (MLA) were contacted in regard to this matter on 12 and 19 May 2009 (MRT Research & Information 2009, Email to Meat and Livestock Australia 'MRT Information Request CHN34877', 12 May – Attachment 1; and MRT Research & Information 2009, Email to Meat and Livestock Australia 'MRT Information Request CHN34877', 19 May – Attachment 2).

The Manager of the International Markets Projects at MLA replied on 19 May 2009. The information is as follows:

It appears that the info I gave you over the phone is basically correct i.e. on the job training. In reading the email re the 457 visa applicant it may be that he is seeking work in an abattoir. I understand that abattoir workers in China also get their training on the job. This is primarily how our abattoir workers get their training in Australia (Meat and Livestock Australia 2009, Email 'Re: MRT Information Request CHN34877', 19 May – Attachment 3).

The Regional Manager of South East Asia/The Chinas at MLA provided information in a letter dated 9 June 2009 which the Tribunal received on 10 June 2009 (Meat and Livestock Australia 2009, Email 'China butchery skills', 10 June – Attachment 4). The information is as follows:

Meat and Livestock Australia (MLA) is a producer-owned organisation working to improve returns to Australia's sheep, cattle and goat farmers through R&D and market development activities.

MLA opened an office in China in 2004 and has developed a close relationship with Chinese players in the local meat industry there.

Part of MLA's work in China includes training butchers in the use of Australian red meat.

The observations of our team, garnered through collaborative projects with Chinese retailers as well as Chinese foodservice operators and their respective butchery departments, suggest there is no formal process for the training of butchers in China. Butchery training will ordinarily take place 'on the job' and as such no qualification is necessary in order to establish oneself as 'skilled' in the area of butchery. Such an assessment would be made based on performance/technical competence, rather than qualification.

Accordingly, in response to the Tribunal's questions:

- Do butchers in China receive any formal training or acquire their skills on-the-job? MLA's experience in China suggests skills are ordinarily acquired on-the-job.
- Can butchers in China acquire their skills on-the-job through restaurant work, such as that described above? Yes (Meat and Livestock Australia 2009, Letter 'Butchery Training in Mainland China', 9 June – Attachment 5).

The Australia-China Recruitment Agency, the NSW Branch of the Australasian Meat Industry Employees Union, the China Recruitment Agency (Australia) and the Resourcenet Group were contacted in regard to this matter on 12 May 2009. No reply has been received to date. Any reply received will be forwarded onto the Member (MRT Research & Information 2009, Email to the Australia-China Recruitment Agency 'MRT Information Request CHN34877', 12 May – Attachment 6; MRT Research & Information 2009, Email to the Australasian Meat Industry Employees Union NSW Branch 'MRT Information Request CHN34877', 12 May – Attachment 7; MRT Research & Information 2009, Email to the China Recruitment Agency (Australia) 'MRT Information Request CHN34877', 12 May – Attachment 8; and MRT Research & Information 2009, Email to Resourcenet Group 'MRT Information Request CHN34877', 12 May – Attachment 9).

2. Please confirm if it is possible to register a meat retail business in New South Wales without employing a qualified butcher.

According to Section 8 of *The Food Regulation 2004 (NSW)* which is included as Attachment 10, "A person must not carry on a food business unless the person holds a licence authorising the carrying on of the food business" (*Food Regulation 2004 (Commenced: 23 February 2004)*, AustLII website http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009 – Attachment 10):

- Section 6 defines "food business" as including "a meat business within the meaning of Part 5";
- Section 62 in Part 5 defines "meat business" as including "meat retail premises";
- Section 61 defines "meat retail premises" as "premises where meat is sold by retail and on which raw meat carcasses or parts of raw meat carcasses are processed in some way (such as boning, slicing or cutting), not being premises where, in any week during the preceding calendar year, more than one tonne of meat was sold by wholesale or where all the meat sold is:
(a) in a form ready to be consumed (such as is sold at a restaurant or take-away food

shop), or

(b) in a form commonly referred to as cook and chill (that is, cooked packaged meat that requires reheating before consumption)” (*Food Regulation 2004* (Commenced: 23 February 2004), AustLII website

http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009 – Attachment 10).

The NSW Food Authority “is a State Government agency established in April 2004 to provide New South Wales with the best food regulation system in Australia.” The URL of the NSW Food Authority is <http://www.foodauthority.nsw.gov.au/>. According to the NSW Food Authority, “businesses that handle or process meat” are “required to hold a NSW Food Authority licence”:

Certain parts of the NSW food industry are regulated under the Food Regulation 2004, including:

- businesses that conduct food service to vulnerable populations
- high-priority plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors

These businesses are required to hold a NSW Food Authority licence to operate as these types of food businesses.

...All other NSW businesses which handle food for sale are required by the Food Act 2003 only to “[notify](#)” the Authority of their food handling activities (‘Licensing’ 2009, NSW Food Authority website, 21 April <http://www.foodauthority.nsw.gov.au/industry/food-standards-and-requirements/licensing/> – Accessed 8 May 2009 – Attachment 11).

The Food Regulation 2004 (NSW) provides the following information on licensing:

9 Application for licence

- (1) A person may apply to the Food Authority for a licence to carry on a food business.
- (2) An application for a licence must:
 - (a) be made in a form approved by the Food Authority, and
 - (b) be accompanied by an application fee of \$50, and
 - (c) be accompanied by the licence fee (other than a licence fee under Division 7 of Part 7) as calculated by the applicant in accordance with the information provided in the application form, and
 - (d) comply with any other requirements of this Regulation relating to applications for licences in respect of the type of food business concerned, and
 - (e) be accompanied by such information as the Food Authority requires to determine the application.
- (3) The Food Authority may require further information to be provided by the applicant if the Food Authority considers that the information is necessary to determine the application.

10 Issue of licences

- (1) The Food Authority may, after considering an application for a licence:

- (a) grant the application, with or without conditions, or
 - (b) refuse the application.
- (2) Without limiting the grounds on which the Food Authority may refuse to grant a licence, the Food Authority may refuse to grant a licence if it considers that there should be a food safety program for all or any of the food businesses proposed to be licensed and there is no such food safety program.
- (3) If the Food Authority decides to grant a licence but considers that the licence fee accompanying the application has been wrongly calculated by the applicant, the Food Authority must:
 - (a) refund the amount of any overpayment by the applicant, or
 - (b) give notice in writing of any additional amount that is required to be paid including a statement that the Food Authority may refuse to issue the licence until that amount is paid.
- (4) If the Food Authority grants an application for a licence, it must issue the licence to the applicant in a form that sets out the following:
 - (a) the activities authorised by the licence,
 - (b) the premises or vehicles on or in which such activities may be conducted,
 - (c) the conditions to which the licence is subject.

The Act defines “**vehicle**” to mean any means of transport, whether self-propelled or not, and whether used on land or sea or in the air.
- (5) If the Food Authority refuses an application for a licence, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal and informing the applicant of the applicant’s rights of review under this Regulation.
- (6) If the Food Authority refuses an application for a licence, it is to refund any licence fee that was submitted by the applicant in connection with the application.

11 Duration of licence

- (1) A licence has effect for a period of one year after the date on which the licence was issued or last renewed, except during any period of suspension or unless sooner cancelled.
- (2) Despite subclause (1), if an application for renewal of a licence is made in accordance with this Regulation but the application is not finally determined before the expiry of the licence, the licence continues in force if not suspended or sooner cancelled until the application is finally determined.

12 Additional conditions of licence

In addition to any conditions of a licence imposed by the Food Authority under clause 10, it is a condition of a licence that the holder of the licence ensure that the provisions of the Act, this Regulation and the Food Standards Code are complied with in relation to the carrying on of any activity authorised by the licence and any premises or vehicle to which the licence relates (*Food Regulation 2004* (Commenced: 23 February 2004), AustLII website http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009 – Attachment 10).

The application form for the licence is included as Attachment 12:

What do I need to comply with?

Any businesses that hold a licence must comply with the following:

- Food Regulation 2004 (NSW)
- Food Act 2003 (NSW)
- Food Standards Code, Food Regulation 2004; and

- Development and implementation of an adequate food safety program under the Food Regulation 2004 based on Standard 3.2.1 of the Food Standards Code or Codex HACCP (with the exception of businesses solely storing or transporting these products). The program must accurately outline the hazards associated with the food business' operations. Assistance material is available from the NSW Food Authority's web site at www.foodauthority.nsw.gov.au. Where a Food Safety Program (FSP) is required for businesses under the legislation, failure to have a FSP available for review at the compliance inspection may result in the non issue of a licence to operate.

What to do next?

- Complete the licence application form and return it with payment to: NSW Food Authority, PO Box 6682, Silverwater NSW 1811.
- Prior to the granting of a licence, an inspection of the premises will be carried out to ensure structural compliance to the Food Standards Code and Food Regulation 2004. At this inspection you will also need to submit your Food Safety Program to the officer for initial review. If the premises fails the compliance inspection the licence will not be issued and further inspections for compliance will be at full cost to the food business.
- You must not commence operations until the above steps have been completed and you are informed that your licence has been issued. If the premises is found to be operating without an approved licence, enforcement action will be taken ('Application for a Licence for a Food Premises to Process/Store Meat' 2008, NSW Food Authority website, 1 July http://www.foodauthority.nsw.gov.au/Documents/industry_licence_08/Form_23_Application_for_Licence_Meat_Premise.pdf – Accessed 8 May 2009 – Attachment 12).

The Food Regulation 2004 (NSW) provides the following information on the additional requirements for applications for meat retail premises class licences:

Division 12 – Meat retail premises

100 Additional requirements for applications for meat retail premises class licences

(1) An application for a licence that authorises the operation of meat retail premises must be accompanied by:

- (a) such plans and drawings as the Food Authority may require, and
- (b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with any proposed meat retail operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

101 Minimum standards for meat retail premises

The minimum standards for meat retail premises are the standards specified in the publication titled [*New South Wales Standard for Construction and Hygienic Operation of Retail Meat Premises*](#) published by the Food Authority, as in force from time to time.

102 Operational standards for meat retail premises

The operation of meat retail premises must comply with the requirements of:

- (a) each of the following:
 - (i) a food safety program,

- (ii) the publication specified in clause 101,
 - (iii) clause 9 of Standard 1.6.2 of the Food Standards Code, or
- (b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program (*Food Regulation 2004* (Commenced: 23 February 2004), AustLII website http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009 – Attachment 10).

The Food Regulation 2004 (NSW) does not require retail meat premises to employ qualified butcher/s (*Food Regulation 2004* (Commenced: 23 February 2004), AustLII website http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009 – Attachment 10).

3. Please confirm whether there are licensing or registration requirements for butchers in New South Wales

According to the 2nd edition of the *Australian Standard Classification of Occupations*, there are no licensing or registration requirements for a butcher:

4511-11 Butcher

Selects, cuts, trims, prepares and arranges meat for sale or supply.

Skill Level:

The entry requirement for this occupation is an AQF Certificate III or higher qualification.

Tasks Include:

- advises customers on the suitability and uses of cuts of meat
- operates machinery to grind, mix, mince or tenderise meat
- prepares meat for sale by removing bones, trimming fat and cutting meat to shape and size for display or as ordered
- prepares crumbed cuts of meat and marinates and seasons special cuts
- selects and prepares meat to produce smallgoods
- may assist in menu planning and scheduling, and in estimating food production costs ('4511-11 Butcher' 2006, *Australian Standard Classification of Occupations (ASCO)* (2nd edition), 7 September, Australian Bureau of Statistics website <http://www.abs.gov.au/ausstats/ABS@.nsf/0/30EDD7908361603ECA25697E00185093?opendocument> – Accessed 8 May 2009 – Attachment 13).

According to the Department of Immigration and Citizenship, “There is no legal requirement for licensing or registration for this occupation [4511-11 Butcher] in New South Wales” ('Australian Skills Recognition Information (ASRI) – Butcher 4511-11' (undated), Department of Immigration and Citizenship website <http://www.immi.gov.au/asri/occupations/b/butcher-4511-11.htm> – Accessed 8 May 2009 – Attachment 14).

List of Sources Consulted

Internet Sources:

AustLII <http://www.austlii.edu.au/>

Australian Bureau of Statistics <http://www.abs.gov.au/>

Australian Department of Immigration and Citizenship <http://www.immi.gov.au/>
Google <http://www.google.com.au/>
NSW Food Authority <http://www.foodauthority.nsw.gov.au/>

Databases:

FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. MRT Research & Information 2009, Email to Meat and Livestock Australia 'MRT Information Request CHN34877', 12 May.
2. MRT Research & Information 2009, Email to Meat and Livestock Australia 'MRT Information Request CHN34877', 19 May.
3. Meat and Livestock Australia 2009, Email 'Re: MRT Information Request CHN34877', 19 May.
4. Meat and Livestock Australia 2009, Email 'China butchery skills', 10 June.
5. Meat and Livestock Australia 2009, Letter 'Butchery Training in Mainland China', 9 June.
6. MRT Research & Information 2009, Email to the Australia-China Recruitment Agency 'MRT Information Request CHN34877', 12 May.
7. MRT Research & Information 2009, Email to the Australasian Meat Industry Employees Union NSW Branch 'MRT Information Request CHN34877', 12 May.
8. MRT Research & Information 2009, Email to the China Recruitment Agency (Australia) 'MRT Information Request CHN34877', 12 May.
9. MRT Research & Information 2009, Email to Resourcenet Group 'MRT Information Request CHN34877', 12 May.
10. *Food Regulation 2004* (Commenced: 23 February 2004), AustLII website http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2004148.txt – Accessed 8 May 2009.
11. 'Licensing' 2009, NSW Food Authority website, 21 April <http://www.foodauthority.nsw.gov.au/industry/food-standards-and-requirements/licensing/> – Accessed 8 May 2009.
12. 'Application for a Licence for a Food Premises to Process/Store Meat' 2008, NSW Food Authority website, 1 July

http://www.foodauthority.nsw.gov.au/Documents/industry_licence_08/Form_23_Application_for_Licence_Meat_Premise.pdf – Accessed 8 May 2009.

13. '4511-11 Butcher' 2006, *Australian Standard Classification of Occupations (ASCO)* (2nd edition), 7 September, Australian Bureau of Statistics website
<http://www.abs.gov.au/ausstats/ABS@.nsf/0/30EDD7908361603ECA25697E00185093?opendocument> – Accessed 8 May 2009.
14. 'Australian Skills Recognition Information (ASRI) – Butcher 4511-11' (undated), Department of Immigration and Citizenship website
<http://www.immi.gov.au/asri/occupations/b/butcher-4511-11.htm> – Accessed 8 May 2009.