

SOUTH AUSTRALIA

MEAT HYGIENE ACT, 1980

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **1 October 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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MEAT HYGIENE ACT, 1980

being

Meat Hygiene Act, 1980, No. 23 of 1980
[Assented to 17 April 1980]¹

as amended by

Meat Hygiene Act Amendment Act, 1987, No. 1 of 1987 [Assented to 5 March 1987]²

¹ Came into operation (except ss. 19-65) 12 June 1980: *Gaz.* 12 June 1980, p. 1549; ss. 19-65 came into operation 12 February 1981: *Gaz.* 12 February 1981, p. 359.

² Came into operation 1 July 1987: *Gaz.* 25 June 1987, p. 1610.

An Act to license slaughtering works and pet food works; to regulate the standards of hygiene and sanitation at slaughtering works and pet food works; to regulate the quality of meat, meat products, and pet food; and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Meat Hygiene Act, 1980*.

Commencement

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—ADMINISTRATION

PART III—LICENCES

DIVISION I—ABATTOIRS AND SLAUGHTERHOUSES

DIVISION II—PET FOOD WORKS

PART IV—INSPECTIONS, BRANDING AND SALE OF MEAT, ETC.

PART V—MISCELLANEOUS

Interpretation

4. (1) In this Act, unless the contrary intention appears—

"abattoir licence" means an abattoir licence under Part III of this Act:

"animal", in relation to meat or a meat product or the production of meat or a meat product, means any head of cattle, buffalo, sheep, goat, pig, horse, deer or other animal of a class of animals declared by proclamation under this section for the purposes of this definition:

"appointed member" means a member of the Authority appointed by the Minister under Part II of this Act:

"the Authority" means the Meat Hygiene Authority established under Part II of this Act:

"brand" means brand, mark, stamp or affix a label or tag bearing a brand, mark or stamp:

"carcass" means the dressed body of any slaughtered animal:

3.

"the Chief Inspector" means the person appointed to be, or acting in the office of, the Chief Inspector of Meat Hygiene under Part II of this Act:

"Commonwealth Inspector" means an officer of the Commonwealth who in his capacity as such engages in the inspection of meat:

"diseased" means—

(a) in relation to meat and meat products or animals intended for meat or meat products, infected with, or affected by, a condition, or in a state, prescribed in relation thereto;

or

(b) in relation to pet food or animals intended for pet food, infected with, or affected by, a condition, or in a state, prescribed in relation thereto:

"edible offal" means offal that is suitable for human consumption:

"Inspector" means a person appointed to be an inspector under Part II of this Act and includes the Chief Inspector:

"licensed abattoir" means a slaughtering works in respect of which an abattoir licence is in force under Part III of this Act:

"licensed pet food works" means a pet food works in respect of which a licence is in force under Part III of this Act:

"licensed slaughterhouse" means a slaughtering works in respect of which a slaughterhouse licence is in force under Part III of this Act:

"meat" means the whole or any part of the carcass or edible offal of any animal that is intended for human consumption and is unprocessed otherwise than by chilling or freezing:

"meat inspection depot" means premises where meat is held for the purposes of inspection, not being part of a slaughtering works:

"meat product" means a product that is the result of the processing of meat and is intended for human consumption:

"municipality" means a municipality as defined in the *Local Government Act, 1934*, as amended:

"offal" means the brain, thymus gland, pancreas gland, liver, spleen, kidney, heart, lung, stomach, tongue, head or tail of any slaughtered animal, or any part of the body of any slaughtered animal which is removed in the course of dressing the body:

"pet" includes any carnivorous animal kept by a person:

4.

"pet food" means any part, or product that is the result of the processing of any part, of the body of any animal, being a part or product intended for consumption by pets, but does not include any such product that has less than the prescribed moisture content determined in the prescribed manner:

"pet food works" means a works that is used for the production for sale of pet food or for slaughtering for such production:

"place" includes premises and land:

"plant" includes vehicles:

"prescribed standard" means—

- (a) in relation to a licensed abattoir, a standard of construction, plant or equipment prescribed in relation to licensed abattoirs;
 - (b) in relation to a licensed slaughterhouse, a standard of construction, plant or equipment prescribed in relation to licensed slaughterhouses;
- or
- (c) in relation to a licensed pet food works, a standard of construction, plant or equipment prescribed in relation to licensed pet food works:

"recognized abattoir" means a slaughtering works declared under Part III of this Act to be a recognized abattoir:

"sell" means—

- (a) sell, barter or exchange;
 - (b) agree or offer to sell, barter or exchange;
 - (c) expose, store or deliver for or on sale, barter or exchange;
- or
- (d) cause, suffer or permit any act referred to in paragraph (a), (b) or (c) of this definition:

"slaughterhouse licence" means a slaughterhouse licence under Part III of this Act:

"slaughtering product" means any product (including any by-product or waste material) derived from the slaughtering of any animal whether for the production of meat, a meat product or pet food:

"slaughtering works" means a works that is used for slaughtering for the production of meat or a meat product:

5.

"works" includes all places, plant and equipment, used for, or in connection with, the activity carried on at the works.

(2) The Governor may by proclamation declare a class of animals for the purposes of the definition of "animal", and by further proclamation amend, vary or revoke any such declaration.

(3) Subject to this Act, the provisions of this Act shall apply to and in relation to any slaughtering works or pet food works, including any slaughtering works or pet food works established by or pursuant to an Act.

PART II

ADMINISTRATION

Establishment and incorporation of Authority

5. (1) There shall be an Authority entitled the "Meat Hygiene Authority".

(2) The Authority—

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) shall, in its corporate name, be capable of suing and of being sued;
- (c) shall be capable of holding, acquiring, dealing with, and disposing of real and personal property;
- (d) shall be capable of acquiring or incurring any other rights or liabilities;
- (e) shall have the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act;

and

(f) shall hold its property on behalf of the Crown.

Constitution of the Meat Hygiene Authority

6. (1) The Authority shall consist of four members, of whom—

- (a) one shall be the Chief Inspector, who shall be the Chairman of the Authority;
- (b) one shall be a person appointed by the Minister upon the nomination of the Minister of Health;
- (ba) one shall be a person appointed by the Minister upon the nomination of the Minister of the Commonwealth for the time being responsible for the administration of the *Meat Inspection Act 1983* of the Commonwealth;

and

(c) one shall be a person appointed by the Minister from a panel of three persons nominated by the Local Government Association of South Australia, Incorporated.

(2) The Minister may, for the purpose of appointing a member of the Authority under paragraph (c) of subsection (1) of this section, by notice in writing, request the Local Government Association of South Australia, Incorporated, to nominate a panel of three persons within a period (being not less than twenty-one days) specified in the notice, and, if no nomination is made in accordance with that request, he may appoint a person without a nomination and a person so appointed shall, for all purposes, be deemed to have been duly appointed under that paragraph.

Terms and conditions of office

7. (1) An appointed member shall be appointed for such term of office, being not less than two years nor more than four years, and upon such conditions as may be determined by the Governor, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Minister may appoint a person to be a deputy of a member of the Authority and that person, while acting in the absence of that member, shall be deemed to be a member of the Authority and shall have all the powers, rights and duties of a member.

(3) The Minister may remove an appointed member from office for—

- (a) a breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;

or

- (d) dishonourable conduct.

(4) The office of an appointed member shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;

or

- (d) he is removed from office by the Minister pursuant to subsection (3) of this section.

(5) Upon the office of an appointed member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of an appointed member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances and expenses

8. A member of the Authority shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Quorum, etc.

9. (1) Three members of the Authority shall constitute a quorum of the Authority, and no business shall be transacted at a meeting of the Authority unless a quorum is present.

(2) The Chairman shall preside at a meeting of the Authority at which he is present and in the absence of the Chairman from a meeting of the Authority the members of the Authority present shall decide who is to preside at the meeting.

8.

(3) A decision carried by a majority of the votes of the members of the Authority present at a meeting shall be a decision of the Authority.

(4) Each member of the Authority shall be entitled to one vote on a matter arising for determination by the Authority, and the person presiding at the meeting of the Authority shall, in the event of an equality of votes, have a second or casting vote.

(5) The Authority shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Authority shall be conducted in a manner determined by the Authority.

Due execution of documents by the Authority

10. (1) A document is duly executed by the Authority if it is sealed with the common seal of the Authority and signed by a member of the Authority.

(2) An apparently genuine document purporting to have been executed in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed.

Validity of acts of the Authority and immunity of its members

11. (1) An act or proceeding of the Authority shall not be invalid by reason only of a vacancy in its membership and notwithstanding the subsequent discovery of a defect in the appointment of a member, the act or proceeding shall be as valid and effectual as if the member had been duly appointed.

(2) No liability shall attach to a member of the Authority for any act or omission by him, or by the Authority, in the exercise, or purported exercise, of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties, under this Act.

(3) A liability that would, but for subsection (2) of this section, lie against a member of the Authority shall lie against the Crown.

Functions of the Authority

12. (1) The functions of the Authority shall be—

- (a) to determine applications for abattoir licences and slaughterhouse licences;
- (b) to recommend the declaration of recognized abattoirs;
- (c) to determine applications for licences in respect of pet food works;
- (d) to determine any question relating to the suspension or cancellation of licences under this Act;
- (e) to keep under review and report annually to the Minister on any matter relating to slaughtering and the production of meat, meat products and pet food, standards of hygiene and sanitation at slaughtering works and pet food works and meat inspection procedures;

9.

(f) to inquire into and report to the Minister on any other matter referred to the Authority by the Minister or that the Authority thinks fit;

and

(g) to perform such other functions as are assigned to it by the Minister or this Act.

(2) The Authority shall have power to do all things necessary to be done for, or in connection with, or incidental to, the performance of its functions, or the discharge of its duties, under this Act.

Authority subject to general control and direction of Minister

13. In the exercise, discharge and performance of its powers, duties and functions under this Act, the Authority shall, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

Accounts and audit

14. (1) The Authority shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Authority.

(3) The Auditor-General shall have and may exercise in respect of the moneys and accounts of the Authority and the persons dealing therewith the powers that are vested in the Auditor-General by the *Audit Act, 1921-1975*, in respect of public accounts and accounting officers.

Annual report

15. (1) The Authority shall, as soon as practicable after the end of each financial year, submit to the Minister a report on its operations during that financial year together with the audited statement of accounts of the Authority for that financial year.

(2) The Minister shall cause the report and audited statement of accounts of the Authority to be laid before each House of Parliament as soon as practicable after his receipt thereof.

Meat Hygiene Consultative Committee

16. The Minister may appoint a committee entitled the "Meat Hygiene Consultative Committee" to advise the Authority on any matter relating to its functions under this Act or the administration of this Act.

Staff

17. (1) The Governor may, subject to and in accordance with the *Public Service Act, 1967-1978*, appoint such officers as he considers necessary or expedient for the proper administration of this Act.

(2) The Authority may, with the approval of the Minister controlling any department of the Public Service of the State, on terms mutually arranged, make use of the services of an officer of that department.

Inspectors

18. (1) The Governor may—

- (a) appoint a person who is registered as a veterinary surgeon under the *Veterinary Surgeons Act, 1935-1975*, to be the Chief Inspector of Meat Hygiene;
- (b) appoint a person who is so registered to act in the office of the Chief Inspector in his absence;

and

- (c) appoint a person to be an Inspector under this Act.

(2) A person who is a Commonwealth Inspector or a local government officer may be appointed under subsection (1) of this section to be an Inspector under this Act.

(3) The Governor may make an arrangement with the Governor-General of the Commonwealth or a local government authority with respect to any matter necessary or convenient for the purposes of an appointment referred to in subsection (2) of this section and the exercise and discharge by a Commonwealth Inspector or a local government officer of the powers, functions and duties of an Inspector.

PART III

LICENCES

DIVISION I—ABATTOIRS AND SLAUGHTERHOUSES

Interpretation

19. In this Division "licence" means an abattoir licence or a slaughterhouse licence.

Offence to slaughter animals for meat except at licensed abattoir

20. A person shall not—

(a) slaughter any animal, or cause any animal to be slaughtered, for the production for sale of meat or a meat product except at a licensed abattoir or a licensed slaughterhouse;

or

(b) operate a slaughtering works, or cause or permit a slaughtering works to be operated, unless the person is the holder of a licence in respect of the slaughtering works.

Penalty: Three thousand dollars.

Applications for licences

21. (1) An application for a licence must be made to the Authority in the prescribed manner and form, contain the prescribed information and be accompanied by the prescribed application fee.

(2) An applicant under subsection (1) of this section must furnish the Authority with such further information as it may require to determine the application.

Grant of licences

22. (1) Subject to this Act, where application is made under this Act for a licence in respect of an existing slaughtering works or a slaughtering works that the applicant proposes to establish, the Authority shall determine whether a licence should be granted having regard to—

(a) the suitability of the applicant to be granted the licence;

(b) the standards of construction, plant and equipment of the slaughtering works, or the slaughtering works as proposed;

(c) the location of the slaughtering works, or the proposed location of the slaughtering works;

and

(d) any prescribed matter,

and shall advise the applicant of its decision.

(2) Where the Authority determines under this section that the licence should be granted, and, in the case of an application in respect of a proposed slaughtering works, subsequently is satisfied that the slaughtering works has been established substantially in accordance with the proposals of the applicant, the Authority shall, upon payment of the prescribed fee, grant the licence to the applicant.

Grant of licences in respect of existing slaughtering works

23. (1) Notwithstanding the provisions of section 22 of this Act, but subject to this section, where application is made under this Act for a licence in respect of a slaughtering works that has been in operation for not less than six months immediately preceding the commencement of this Division, the Authority shall, upon payment of the prescribed fee, grant the licence.

(2) The Authority may refuse to grant an abattoir licence under this section having regard to the standards of construction, plant and equipment of the slaughtering works in question.

(3) The Authority shall not grant a licence under this section unless the application is made within three months from the commencement of this Division.

(4) The Authority shall, upon granting a licence under this section, by notice in writing to the holder of the licence, exempt the slaughtering works from compliance with any prescribed standard that the Authority is satisfied the slaughtering works does not comply with at the time of granting the licence and shall specify any such prescribed standards in the notice.

(5) An exemption granted under this section shall be subject to such conditions as the Authority may specify in the notice.

(6) The Authority may, by notice in writing to the holder of the licence, vary or revoke a condition of the exemption or impose a further condition.

(7) A person granted an exemption under this section shall not breach, or fail to comply with, a condition of the exemption.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

(8) The Authority may, after the expiration of twelve months from the commencement of this Division, vary or revoke an exemption granted to any person under this section.

(9) An exemption granted under this section shall cease to be of any force or effect after the expiration of three years from the commencement of this Division.

Conditions of licences

24. (1) A licence granted under this Division shall be subject to such conditions as the Authority may specify by notice in writing given to the holder of the licence.

(2) Without limiting the matters with respect to which conditions may be imposed, the Authority may impose conditions in respect of any slaughterhouse licence—

- (a) limiting the maximum throughput of the slaughtering works;

or

- (b) regulating the sale or supply of meat or meat products produced at the slaughtering works.

(3) The Authority may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further such condition.

Review by Minister of refusal to grant licence or conditions of licence

25. (1) A person affected by a decision of the Authority to refuse to grant a licence or to impose a condition of a licence under this Division may apply to the Minister for review of the decision within one month of the making of the decision.

(2) The Minister may, on application made under subsection (1) of this section, do one or more of the following:—

- (a) affirm, vary or quash the decision, or substitute, or make in addition, any decision that he considers should have been made in the first instance;
- (b) remit the subject matter of the application to the Authority for further consideration.

Offences in relation to conditions of licences and minimum standards

26. The holder of a licence shall not—

- (a) operate the slaughtering works or cause or permit the slaughtering works to be operated if it does not comply with the prescribed standards;

or

- (b) breach, or fail to comply with, a condition of the licence.

Penalty: One thousand dollars.

Default penalty: One hundred dollars.

Renewal of licence

27. (1) A licence shall, subject to this Act, remain in force for such term as the Authority may specify in the licence and may be renewed by application made to the Authority before the expiration of the term last specified in the licence.

(2) An application for renewal under subsection (1) of this section must be made in the prescribed manner and form and contain the prescribed information.

(3) The Authority may, if it thinks fit, determine an application notwithstanding that it is delivered out of time.

(4) Where application is made under this section the Authority shall, subject to this Act, upon payment of the prescribed fee, renew the licence.

(5) A licence renewed under this section shall, subject to this Act, remain in force for such term as the Authority may specify in the licence.

Surrender, suspension and cancellation of licences

28. (1) The holder of a licence may at any time surrender the licence, and the licence shall thereupon cease to be of any force or effect.

(2) The Authority may, after calling upon the holder of a licence to show cause why the licence should not be suspended or cancelled, suspend the licence for such period as it thinks fit, or cancel the licence, if it is satisfied—

(a) that the grant or a renewal of the licence was obtained improperly;

(b) that the holder of the licence has been guilty of an offence against this Act;

or

(c) that the licence should be suspended or cancelled on any prescribed ground for suspension or cancellation.

(3) A licence—

(a) that is suspended under subsection (2) of this section shall cease to be of any force or effect for the period of the suspension;

or

(b) that is cancelled under that subsection shall cease to be of any force or effect.

Appeal against suspension or cancellation

29. (1) A right of appeal to a Local Court of full jurisdiction within the meaning of the *Local and District Criminal Courts Act, 1926-1978*, shall lie against any decision or order of the Authority suspending or cancelling a licence under this Division.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against, but the Local Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Local Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case:—

(a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;

(b) remit the subject matter of the appeal to the Authority for further consideration;

(c) make any further or other order as to costs or any other matter that the case requires.

(4) The powers conferred by section 28 of the *Local and District Criminal Courts Act, 1926-1978*, include power to make rules regulating the practice and procedure on such appeals.

(5) The Authority shall, if so required by any person affected by a decision or order made by it, state in writing the reasons for its decision or order.

(6) If the reasons of the Authority are not given in writing at the time of making a decision or order and the appellant then requested the Authority to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

(7) Where the Authority or the Local Court is satisfied that an appeal against an order of the Authority has been instituted, or is intended, the Authority or the Local Court may suspend the operation of the order until the determination of the appeal.

(8) Where the Authority has suspended the operation of an order under subsection (7) of this section, the Authority, may terminate the suspension, and where the Local Court has done so, the Local Court may terminate the suspension.

Holders of licences to keep prescribed records

30. (1) The holder of a licence shall not fail to keep such records relating to the slaughtering works and its operation as may be prescribed.

Penalty: Two hundred dollars.

(2) An Inspector may at any reasonable time inspect any records kept in compliance with subsection (1) of this section.

Register of licences

31. (1) The Authority shall cause a register to be kept of licences in force under this Division.

(2) The register shall be made available for the inspection of any person desiring to inspect it.

Structural alterations and additions to abattoirs

32. The holder of a licence shall not carry out, or cause or permit to be carried out, any structural alterations or additions to the slaughtering works, without the approval of the Authority.

Penalty: Five hundred dollars.

Recognition of abattoirs located outside the State

33. (1) The Governor may, upon the recommendation of the Authority, by proclamation, declare a slaughtering works located in another State, or a Territory, of the Commonwealth to be a recognized abattoir.

(2) The Authority may make a recommendation referred to in subsection (1) of this section in relation to a slaughtering works if it is satisfied that the standards of construction, plant, equipment, hygiene, sanitation and inspection applying at or in relation to the slaughtering works are equivalent to the standards applying at or in relation to licensed abattoirs.

(3) The Governor may, upon the recommendation of the Authority, by proclamation amend, vary or revoke a declaration made under subsection (1) of this section.

DIVISION II—PET FOOD WORKS

Interpretation

34. In this Division "licence" means a licence in respect of a pet food works.

Offence to operate pet food works unless licensed

35. A person shall not operate a pet food works, or cause or permit a pet food works to be operated, unless the person is the holder of a licence in respect of the pet food works.

Penalty: Three thousand dollars.

Default Penalty: Two hundred dollars.

Applications for licences

36. (1) An application for a licence must be made to the Authority in the prescribed manner and form, contain the prescribed information and be accompanied by the prescribed application fee.

(2) An applicant under subsection (1) of this section must furnish the Authority with such further information as it may require to determine the application.

Grant of licences

37. (1) Where application is made under this Act for a licence in respect of an existing pet food works or a pet food works that the applicant proposes to establish, the Authority shall determine whether a licence should be granted having regard to—

- (a) the suitability of the applicant to be granted the licence;
 - (b) the standards of construction, plant and equipment of the pet food works, or the pet food works as proposed;
 - (c) the location of the pet food works, or the proposed location of the pet food works;
- and
- (d) any prescribed matter,

and shall advise the applicant of its decision.

(2) Where the Authority determines under subsection (1) of this section that the licence should be granted, and, in the case of an application in respect of a proposed pet food works, subsequently is satisfied that the pet food works has been established substantially in accordance with the proposals of the applicant, the Authority shall, upon payment of the prescribed fee, grant the licence to the applicant.

Grant of licences in respect of existing pet food works

38. (1) Notwithstanding the provisions of section 37 of this Act, where application is made under this Act for a licence in respect of a pet food works that has been in operation for not less than six months immediately preceding commencement of this Division, the Authority shall, upon payment of the prescribed fee, grant the licence.

(2) The Authority shall not grant a licence under this section unless the application is made within three months from the commencement of this Division.

(3) The Authority shall, upon granting a licence under this section, by notice in writing to the holder of the licence, exempt the pet food works from compliance with any prescribed standard that the Authority is satisfied the pet food works does not comply with at the time of granting the licence and shall specify any such prescribed standards in the notice.

(4) An exemption granted under this section shall be subject to such conditions as the Authority may specify in the notice.

(5) The Authority may, by notice in writing to the holder of the licence, vary or revoke a condition of the exemption or impose a further condition.

(6) A person granted an exemption under this section shall not breach, or fail to comply with, a condition of the exemption.

Penalty: One thousand dollars.

Default penalty: One hundred dollars.

(7) The Authority may, after the expiration of twelve months from the commencement of this Division, vary or revoke an exemption granted to any person under this section.

(8) An exemption granted under this section shall cease to be of any force or effect after the expiration of three years from commencement of this Division.

Conditions of licences

39. (1) A licence granted under this Division shall be subject to such conditions as the Authority may specify by notice in writing given to the holder of the licence.

(2) The Authority may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further such condition.

Review by Minister of refusal to grant licence or conditions of licence

40. (1) A person affected by a decision of the Authority to refuse to grant a licence or to impose a condition of a licence under this Division may apply to the Minister for review of the decision within one month of the making of the decision.

(2) The Minister may, on application made under subsection (1) of this section, do one or more of the following:—

- (a) affirm, vary or quash the decision, or substitute, or make in addition, any decision that he considers should have been made in the first instance;
- (b) remit the subject matter of the application to the Authority for further consideration.

Offences in relation to conditions of licences and minimum standards

41. The holder of a licence shall not—

- (a) operate the pet food works or cause or permit the pet food works to be operated if it does not comply with the prescribed standards;

or

- (b) breach, or fail to comply with, a condition of the licence.

Penalty: One thousand dollars.

Default penalty: One hundred dollars.

Renewal of licence

42. (1) A licence shall, subject to this Act, remain in force for such term as the Authority may specify in the licence and may be renewed by application made to the Authority before the expiration of the term last specified in the licence.

(2) An application for renewal under subsection (1) of this section must be made in the prescribed manner and form and contain the prescribed information.

(3) The Authority may, if it thinks fit, determine an application notwithstanding that it is delivered out of time.

(4) Where application is made under this section the Authority shall, subject to this Act, upon payment of the prescribed fee, renew the licence.

(5) A licence renewed under this section shall, subject to this Act, remain in force for such term as the Authority may specify in the licence.

Surrender, suspension and cancellation of licences

43. (1) The holder of a licence may at any time surrender the licence, and the licence shall thereupon cease to be of any force or effect.

(2) The Authority may, after calling upon the holder of a licence to show cause why the licence should not be suspended or cancelled, suspend the licence for such period as it thinks fit, or cancel the licence, if it is satisfied—

- (a) that the grant or a renewal of the licence was obtained improperly;

- (b) that the holder of the licence has been guilty of an offence against this Act;

or

- (c) that the licence should be suspended or cancelled on any prescribed ground for suspension or cancellation.

(3) A licence—

- (a) that is suspended under subsection (2) of this section shall cease to be of any force or effect for the period of the suspension;

or

- (b) that is cancelled under that subsection shall cease to be of any force or effect.

Appeal against suspension or cancellation

44. (1) A right of appeal to a Local Court of full jurisdiction within the meaning of the *Local and District Criminal Courts Act, 1926-1978*, shall lie against any decision or order of the Authority suspending or cancelling a licence under this Division.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against, but the Local Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Local Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case:—

- (a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Authority for further consideration;
- (c) make any further or other order as to costs or any other matter that the case requires.

(4) The powers conferred by section 28 of the *Local and District Criminal Courts Act, 1926-1978*, include power to make rules regulating the practice and procedure on such appeals.

(5) The Authority shall, if so required by any person affected by a decision or order made by it, state in writing the reasons for its decision or order.

(6) If the reasons of the Authority are not given in writing at the time of making a decision or order and the appellant then requested the Authority to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

(7) Where the Authority or the Local Court is satisfied that an appeal against an order of the Authority has been instituted, or is intended, the Authority or the Local Court may suspend the operation of the order until the determination of the appeal.

(8) Where the Authority has suspended the operation of an order under subsection (7) of this section, the Authority, may terminate the suspension, and where the Local Court has done so, the Local Court may terminate the suspension.

Holders of licences to keep prescribed records

45. (1) The holder of a licence shall not fail to keep such records relating to the pet food works and its operation as may be prescribed.

Penalty: Two hundred dollars.

(2) An Inspector may at any reasonable time inspect any records kept in compliance with subsection (1) of this section.

Register of licences

46. (1) The Authority shall cause a register to be kept of licences in force under this Division.

(2) The register shall be made available for the inspection of any person desiring to inspect it.

Structural alterations and additions to pet food works

47. The holder of a licence shall not carry out, or cause or permit to be carried out, any structural alterations or additions to the pet food works, without the approval of the Authority.

Penalty: Five hundred dollars.

PART IV

INSPECTIONS, BRANDING AND SALE OF MEAT, ETC.

Inspections of works, meat, etc.

48. (1) An Inspector may—

- (a) at any time enter into or upon, and inspect, any place that he believes on reasonable grounds is being, or has been, used as a slaughtering works or pet food works or for or in connection with the production, storage, transport, sale or supply of slaughtering products;
- (b) stop and enter into or upon, and inspect, any vehicle that he believes on reasonable grounds is being or has been used for the transport of slaughtering products;
- (c) direct any vehicle in or on which there is any meat or meat product to a meat inspection depot for the purpose of inspecting the meat or meat product;
- (d) inspect and take and test a sample of any slaughtering product;
- (e) brand any meat, or any container containing any meat or meat product, as fit for human consumption, or direct such branding;
- (f) seize and dispose of any meat or meat product if in his opinion the animal or any of the animals from which it was produced was diseased or it is for any other reason unfit for human consumption, or direct such disposal;
- (g) brand, dye or mark any pet food in order to indicate that it is unsuitable for human consumption, or direct such branding, dyeing or marking;
- (h) seize and dispose of any pet food, if, in his opinion, the animal or any of the animals from which it was produced was diseased or it is for any other reason unfit for consumption by pets, or direct such disposal;
- (i) seize and dispose of any slaughtering product that is being, or has been, produced, stored, transported, sold or supplied in contravention of this Act, or direct such disposal;
- (j) inspect and take and test any sample from any animal intended for slaughter for the production of meat or a meat product and seize and dispose of, or direct the disposal of, it, if, in his opinion, it is diseased or meat produced from it would for any other reason be unfit for human consumption;
- (k) inspect and take and test any sample from any animal intended for slaughter for the production of pet food, and seize and dispose of, or direct the disposal of, it, if, in his opinion, it is diseased or pet food produced from it would for any other reason be unfit for consumption by pets;
- (l) inspect and take any sample for testing from any part of, or thing in, any slaughtering works or pet food works in order to determine whether the works is being, or has been, operated in a sanitary and hygienic manner;

- (m) require a person to answer truthfully any question that in his opinion may disclose information as to whether or not the provisions of this Act are being complied with, whether that question is put to that person directly or through an interpreter;

and

- (n) require the production of, and inspect and take copies of any book, paper or document or any record of any kind that in his opinion may disclose information as to whether or not this Act is being complied with.

(2) In the exercise of his powers under subsection (1) of this section an Inspector may be accompanied by such other persons as he considers necessary or desirable in the circumstances.

(3) A person shall not—

- (a) hinder or obstruct an Inspector or a person accompanying an Inspector in the exercise by the Inspector of the powers conferred on him by subsection (1) of this section;
- (b) refuse or fail to comply with a direction or requirement of an Inspector made under subsection (1) of this section.

Penalty: Five hundred dollars.

Default Penalty: One hundred dollars.

(4) A person shall not be obliged to answer any question or produce any book, paper or document under this section if the answer to the question or the contents of the book, paper or document would tend to incriminate him.

(5) No person shall be entitled to claim any payment or compensation in respect of the taking of any sample, the seizure or the disposal of anything by, or pursuant to the directions of, an Inspector exercising the powers conferred by this section.

Notice relating to condition of slaughtering works or pet food works

49. (1) Where in the opinion of an Inspector the condition of any slaughtering works or pet food works is insanitary or unhygienic, the Inspector may, by notice in writing given to the person apparently in charge of the works—

- (a) require that person to cause that condition to be remedied by taking steps specified in the notice within the time specified in the notice;

and

- (b) require the cessation of use of the works either absolutely, or as specified in the notice, until the steps so specified are taken.

(2) A person given a notice under subsection (1) of this section may apply to the Minister for review of the notice within fourteen days of the giving of the notice, but such application shall not affect the obligation to comply with any requirement referred to in paragraph (b) of that subsection that is included in the notice.

(3) The Minister may, on application made under subsection (2) of this section, confirm, vary or set aside the notice.

(4) A person given a notice under subsection (1) of this section shall not fail, without reasonable excuse, to comply with the notice.

Penalty: Five hundred dollars.

Default Penalty: One hundred dollars.

Slaughtering at abattoirs

50. The holder of an abattoir licence shall not cause, suffer or permit any animal to be slaughtered at the licensed abattoir except in the presence of an Inspector or a Commonwealth Inspector.

Penalty: One thousand dollars.

Offences relating to branding of meat

51. (1) Subject to this section, a person shall not brand meat, or any container containing any meat or meat product, as fit for human consumption, or cause meat or any such container to be so branded, unless the person is, or is acting on the direction of, an Inspector or a Commonwealth Inspector.

Penalty: Five hundred dollars.

(2) The provisions of subsection (1) of this section do not apply to the branding, in accordance with the regulations, of any meat, or container containing any meat or meat product, produced at a licensed slaughterhouse.

Prohibition on sale of meat produced at unlicensed works

52. (1) A person shall not sell any meat unless—

(a) it was produced at a licensed abattoir and passed by an Inspector or a Commonwealth Inspector as fit for human consumption;

(b) it was produced in another State, or a Territory, of the Commonwealth at a recognized abattoir and certified by an inspector appointed by the Government of that State or Territory or by a Commonwealth Inspector as fit for human consumption;

or

(c) it was produced at a licensed slaughterhouse.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

(2) A person shall not sell any meat product unless it was produced from meat of a kind referred to in subsection (1) of this section.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

Prohibition of sale of meat unfit for human consumption

53. A person shall not sell any meat or meat product if the meat or meat product was produced from a diseased animal or is for any other reason unfit for human consumption.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

Prohibition of sale for human consumption of flesh or offal produced, etc., at pet food works

54. A person shall not sell for human consumption any flesh or offal produced, processed or stored at a pet food works or any product derived therefrom.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

Prohibition on sale of pet food produced at unlicensed abattoir or pet food works

55. A person shall not sell any pet food unless it was produced at a licensed abattoir or pet food works.

Penalty: Five hundred dollars.

Default Penalty: One hundred dollars.

Prohibition of sale of unfit pet food

56. A person shall not sell any pet food if it was produced from a diseased animal or is for any other reason unfit for consumption by pets.

Penalty: Five hundred dollars.

Default Penalty: One hundred dollars.

PART V

MISCELLANEOUS

General exemptions

57. (1) The Minister may, by notice published in the *Gazette*—

(a) exempt any person, or class of persons, specified in the notice from compliance with this Act or any provision of this Act specified in the notice;

or

(b) exempt any slaughtering works or pet food works specified in the notice from the application of this Act or any provision of this Act specified in the notice.

(2) An exemption granted under this section may—

(a) be permanent or for a period specified in the notice;

or

(b) be unconditional or subject to conditions specified in the notice.

(3) The Minister may, by notice published in the *Gazette*, vary or revoke an exemption or a condition of an exemption under this section or impose a further condition.

(4) A person granted an exemption under this section shall not breach, or fail to comply with, a condition of the exemption.

Penalty: One thousand dollars.

Default Penalty: One hundred dollars.

Service

58. (1) A notice or document required or permitted to be served on a person under this Act shall be deemed to have been duly served if it has been—

(a) served on him personally;

or

(b) in the case of the holder of a licence under this Act, sent by registered or certified mail addressed to him at his address for service, or left for him at that address with a person apparently over the age of sixteen years.

(2) The address for service of the holder of a licence is the last address for service of that person of which notice has been given in accordance with the regulations.

False or misleading information

59. A person shall not in furnishing any information, or keeping any record, pursuant to this Act make, or cause to be made, any statement or representation that is false or misleading in a material particular.

Penalty: Five hundred dollars.

Evidence

60. In any proceedings for an offence against this Act—

- (a) an allegation in the complaint that—
 - (i) a person is or was at the time mentioned therein an Inspector;
 - (ii) a person was or was not the holder of a licence under this Act at the time mentioned therein;
 - (iii) any provision set out in the complaint was at the time mentioned therein a condition of a licence or exemption under this Act;
 - (iv) any substance was meat or a meat product or pet food;
 - (v) any flesh or offal was sold for human consumption;
 - (vi) any meat was produced at a licensed abattoir or a recognized abattoir and was not passed or certified as fit for human consumption;
 - (vii) any meat product was produced from meat that was produced at a licensed abattoir or a recognized abattoir and not passed or certified as fit for human consumption;
 - (viii) any meat or meat product was produced at a licensed slaughterhouse;
 - (ix) any meat or meat product was not produced at a licensed abattoir, a recognized abattoir or a licensed slaughterhouse;

or

 - (x) any pet food was not produced at a licensed abattoir or pet food works,
- shall, in the absence of proof to the contrary, be deemed to be proved;
- (b) proof that any meat, meat product, or pet food was on any premises used by any person for or in connection with the business of selling the same or on any premises occupied by that person or any member of his family and adjacent to such premises shall, in the absence of proof to the contrary, be accepted as proof that it was being offered, exposed or stored for sale by that person;

and

(c) evidence by an Inspector that—

- (i) any meat, or meat product, in his opinion, was produced from any diseased animal or was for any other reason unfit for human consumption;
- (ii) any pet food, in his opinion, was produced from a diseased animal or was for any other reason unfit for consumption by pets,

shall be deemed to be conclusive evidence of that matter.

Defences

61. (1) In proceedings for an offence against this Act it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—

- (a) that the commission of the offence was due to a mistake, to reliance on information provided to him by, or the act or default of, another person other than his employee, or to some cause beyond his control;

and

- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) In proceedings for an offence against this Act, a person shall not, without the leave of the court, be entitled to rely upon the defence that the commission of an offence was due to the act or default of another person or to reliance on information provided to him by another person unless, within seven days before the hearing, he has served on the complainant a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Summary procedure

62. Proceedings in respect of offences against this Act shall be disposed of summarily.

Offences by bodies corporate

63. Where a person convicted of an offence against this Act is a body corporate, every member of the governing body and the manager of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for that offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

Continuing offences

64. (1) A person convicted of an offence against any provision of this Act in respect of a continuing act or omission—

- (a) shall be liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act or omission continued of not more than the amount prescribed at the foot of the provision as being the amount of the default penalty;

and

- (b) shall, if the act or omission continues after he is convicted, be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act or omission continued after that conviction of not more than the amount prescribed at the foot of the provision as being the amount of the default penalty.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required or directed to be done, the omission shall, for the purposes of subsection (1) of this section, be deemed to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement or direction.

Regulations

65. (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1) of this section, those regulations may provide for, and prescribe any matter or thing relating to—

- (a) the standards for the construction, plant and equipment of licensed abattoirs, licensed slaughterhouses, pet food works or meat inspection depots;
- (b) the hygiene of slaughtering works, pet food works or meat inspection depots and persons employed in the operation of such works or depots;
- (c) the sale or supply of meat, or meat products produced from meat, produced at a licensed slaughterhouse;
- (d) inspections under this Act;
- (e) the disposal of effluent and waste resulting from the operation of slaughtering works or pet food works;
- (f) the disposal of condemned carcasses, meat, meat products or pet food;
- (g) the quality of water and the supply of water for use in the operation of slaughtering works or pet food works;
- (h) the holding or keeping of animals prior to slaughter at slaughtering works or pet food works;
- (i) the slaughter of animals at slaughtering works or pet food works;
- (j) the dressing of carcasses produced at slaughtering works;
- (k) the keeping of animals at or in the vicinity of slaughtering works or pet food works;
- (l) the use of drugs and chemicals in the treatment of animals prior to slaughter at slaughtering works or pet food works;
- (m) the branding of meat, or containers containing meat or meat products, produced at licensed abattoirs;

- (n) the branding of meat, or containers containing meat or meat products, produced at licensed slaughterhouses;
- (o) the dyeing or marking of pet food;
- (p) the grading or trade descriptions of meat;
- (q) the production, packaging, storage, processing and transport of meat or meat products or pet food;
- (r) the fees payable in respect of licences under this Act which may vary according to factors prescribed in the regulations;
- (s) the forms of notices and other documents given under this Act;
- (t) the payment and recovery of fees in respect of inspections and branding of meat, or containers containing meat or meat products, by Inspectors;
- (u) approvals of structural alterations or additions to slaughtering works or pet food works;
- (v) the payment and recovery of fees for approvals;

and

- (w) the imposition of a penalty, not exceeding five hundred dollars, for a breach of, or failure to comply with, a regulation and, where a person is convicted of an offence for such breach of failure in respect of a continuing act or omission, a default penalty not exceeding one hundred dollars.

(3) Any regulations made under this section or any other section of this Act may be of general or limited application according to the persons or classes of persons to whom, or the slaughtering works or pet food works or classes of slaughtering works or pet food works, or the time, place or circumstances, to which, they are expressed to apply.

APPENDIX

Legislative History

Section 6(1):	amended by 1, 1987, s. 3
Section 9(1):	amended by 1, 1987, s. 4
Section 50:	amended by 1, 1987, s. 5
Section 51(1):	amended by 1, 1987, s. 6
Section 52(1):	amended by 1, 1987, s. 7
Section 55:	amended by 1, 1987, s. 8
Section 60:	amended by 1, 1987, s. 9