



# tasmanian legislation

TASMANIA'S CONSOLIDATED LEGISLATION ONLINE

[VIEW SUMMARY](#)

The legislation that is being viewed is valid for 2 May 2011.

## Meat Hygiene Act 1985 (No. 114 of 1985)

**Requested:** 29 Oct 2016

**Consolidated:** 2 May 2011

---

### INFORMATION

Notes:

Links:

Table of Amending

Instruments:

[\(click to view Table of Amendments\)](#)

Responsible Minister and  
Department:

See the latest Administrative Arrangement Order or view the [Information  
Guides to Legislation](#)

### CONTENTS

#### **Meat Hygiene Act 1985**

##### **Part I - Preliminary**

- 1. Short title**
- 2. Commencement**
- 3. Interpretation**
- 4. Application of Act**
- 5. Act not to apply to certain persons**

##### **Part II - Administration**

- 6. Appointment of Chief Inspector of Meat Hygiene and inspectors**

##### **Part III - Licences**

###### **Division 1 - General**

- 7. Licences**
- 8. Export Control Act 1982**
- 9. Authority of meat premises licence**
- 10. Authority of pet food works licence**

###### **Division 2 - Applications**

- 11. Application for licence**

**12. Grant or refusal of application****13. Conditions of licence****14. Issue of licence****15. Duration of licence****16. Renewal of licence****17. Surrender of licence****18. Refund of fees****19. Reviews****20. Variation of licences****21. Transfer of licence****Division 3 - Records****22. Keeping records****23. Inspection of records****Division 4 - Reviews****24. Appeals****25. *repealed*****Division 5 - Register****26. Register****26A. Correction of register****26B. Inspection of register****Part IV - Inspections****27. Identification of inspectors****28. Powers of inspectors****29. Power of inspectors to require inspection or additional inspection****30. Condemning of animals, &c.****31. Seizure****32. Forfeiture of meat, &c.****33. Power of inspectors to give directions and perform prescribed functions****34. Notice relating to condition of meat premises****35. Inspection of records****36. *repealed*****37. Obstructing inspectors****38. Supply of meat, &c., to inspectors****39. Personation of inspectors****40. Questions by inspectors****41. Demanding name and place of abode****42. Power of inspectors to enter premises with assistants****43. Restriction on exercise of powers of inspectors****Part V - Miscellaneous****44. Act not to apply to certain animals, &c.****45. Exemption from operation of Act****46. False or misleading information**

- 47. Prohibition on slaughter of animals, &c.
  - 48. *repealed*
  - 49. *repealed*
  - 50. Prohibition on certain meat
  - 51. Offence to bring meat, &c., into State
  - 52. Prohibition of sale of meat, &c., in certain circumstances
  - 53. Prohibition of sale of meat unfit for human consumption
  - 53A. Prohibition on keeping meat and meat products produced from diseased animals, &c.
  - 54. Prohibition of producing meat, &c., unfit for human consumption
  - 55. *repealed*
  - 56. Prohibition of sale for human consumption of flesh or offal produced, &c., at pet food works
  - 57. Offence relating to having meat in vehicles
  - 58. Offence relating to sale of certain pet foods
  - 59. Offence relating to sale of pet food produced from diseased animal or bird
  - 60. Offences relating to branding of meat
  - 61. Official marks, &c.
  - 62. False trade descriptions
  - 63. Indictable offences
  - 64. Offences by bodies corporate
  - 65. Prosecutions for offences under Act
  - 66. Evidence
  - 67. Defences
  - 68. Service of documents, &c.
  - 69. Administration
  - 70. Meat Hygiene Consultative Committee
  - 71. Regulations
- Schedule 1 - Provisions with Respect to Membership and Meetings of the Meat Hygiene Consultative Committee



## Meat Hygiene Act 1985

**An Act to control and regulate the operation of meat premises and pet food works, to regulate the standards of hygiene and sanitation at those premises and works and to regulate the quality of meat, meat products, and pet food and for other purposes**

**[Royal Assent 28 November 1985]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**PART I - Preliminary****1. Short title**

This Act may be cited as the *Meat Hygiene Act 1985*.

**2. Commencement**

(1) This section and section 1 shall commence on the day on which this Act receives the Royal Assent.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

**3. Interpretation**

(1) In this Act, unless the contrary intention appears –

***abattoir animal*** means an animal that is not living in the wild that is –

(a) a bovine animal; or

(b) a sheep, pig, goat or deer; or

(c) an animal, other than poultry, for which a standard or code is prescribed applicable to licensed meat premises in respect of that animal;

***approved*** means approved by the Chief Inspector;

***brand*** means brand, mark, or stamp, or affix a label or tag bearing a brand, mark, or stamp;

***Chief Inspector*** means the person appointed to be, or acting in the office of, the Chief Inspector of Meat Hygiene under section 6;

***Commonwealth inspector*** means an authorized officer for the purposes of the *Export Control Act 1982* of the Commonwealth or the *Meat Inspection Act 1983* of the Commonwealth;

***covering*** means any stopper, glass, bottle, vessel, box, container, capsule, case, frame, or wrapper;

***diseased***, in relation to –

(a) meat and meat products or abattoir animals, poultry, and game intended for meat or meat products, means infected with, or affected

by, a prescribed condition or in a prescribed state; or

**(b)** pet food or animals and birds intended for pet food, means infected with, or affected by, a prescribed condition or in a prescribed state;

**false trade description** means a trade description that, by reason of anything contained in or omitted from the trade description, is false or likely to mislead in a material respect as regards the meat or meat product to which it relates, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, that makes the trade description false or likely to mislead in such a respect;

**functions** includes duties;

**game** means any animal or bird living in the wild but does not include fish;

**inspector** means a person appointed to be an inspector under [section 6](#), and includes the Chief Inspector;

**licence** means a licence issued and in force under this Act;

**licensed meat premises** means premises in respect of which a meat premises licence is in force under [Part III](#);

**licensed pet food works** means a pet food works in respect of which a pet food works licence is in force under this Act;

**meat** means the whole or any part of the carcass or offal of any abattoir animal, poultry, or game that is intended for human consumption and is unprocessed otherwise than by chilling or freezing;

**meat premises** means premises used, or intended to be used, for or in connection with the processing of animals or animal carcasses for the production of meat for human consumption;

**meat premises licence** means a meat premises licence in force under [Part III](#);

**meat product** means a product –

**(a)** that wholly or partially is derived from meat; and

**(b)** that is intended for human consumption –

and includes any product which complies with [paragraphs \(a\) and \(b\)](#) and which is partially processed, prepared for further processing, or fully processed;

**meat vehicle** means a vehicle which is used for the conveyance of slaughtering products;

**offal** means the brain, thymus gland, pancreas gland, liver, spleen, kidney, heart, lung, stomach, intestine, tongue, blood, head, or tail of any slaughtered animal or

bird or any part of the body of any slaughtered animal or bird which is removed in the course of dressing the body;

**official mark** means a mark included in a class of marks prescribed for the purposes of this definition;

**official marking device** means a device prescribed, or included in a class of devices prescribed, for the purposes of this definition;

**pet** means any carnivorous animal kept by a person;

**pet food** means any part, or product that is the result of the processing of any part, of the body of any animal or bird, being a part or product intended for consumption by pets;

**pet food works** means –

(a) a works that is used for slaughtering animals or birds for the production of pet food, for producing pet food from animals or birds so slaughtered or from carcasses of animals or birds delivered to the works, and for storing the pet food so produced; or

(b) a works that is used for producing pet food or slaughtering products from carcasses of animals or birds delivered to the pet food works –

and includes all places and facilities used, or intended to be used, for, or in connection with, the convenience and hygiene of the persons employed at that works;

**pet food works licence** means a pet food works licence in force under Part III;

**poultry** means a domesticated bird;

**premises** means a building or structure or any part of a building or structure or an area of land, with or without improvements;

**records** includes books, accounts, minutes, registers, deeds, writings, or documents and any other sources of information compiled, recorded, or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means;

**the regulations** means the regulations made and in force under this Act;

**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) authorize, direct, cause, suffer, or permit any act referred to in paragraph (a), (b), or (c);

**slaughter** means to kill any animal or bird for the production of meat, meat products, or pet food;

**slaughtering product** means any product (including any by-product or waste material) derived from the slaughtering of any animal or bird;

**trade description** means any description, statement, pictorial representation, indication, or suggestion, either direct or indirect, which –

(a) purports to describe any meat or meat product in terms according to the custom of the trade or common repute; and

(b) is intended to be taken as an indication of –

(i) whether or not the meat or meat product has been inspected, passed, or certified as fit for human consumption;

(ii) the species of animal or bird from which the meat or meat product has been produced; or

(iii) in the case of any meat or meat product that has been packaged or covered –

(A) the place at which the meat or meat product was packaged or covered; or

(B) the species of animal or bird from which the meat or meat product contained within the package or covering was produced;

**unfit for consumption by pets** means unsound, unsafe, unwholesome, or otherwise unsuitable for consumption by pets for any reason including disease, defect, abnormal condition, putrefaction, decomposition, or contamination;

**unfit for human consumption** means unsound, unsafe, unwholesome, or otherwise unsuitable for human consumption for any reason including disease, defect, abnormal condition, putrefaction, decomposition, or contamination;

**vehicle** means any form of transport, whether self-propelled or not, which is used or capable of being used for the carriage of passengers or the carriage or storage of goods and includes any aircraft, ship, vessel, or hovercraft which is so used or is capable of being so used;

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

(2) A reference in this Act to –

(a) the variation of an exemption granted under section 13(2) includes a reference to the variation or revocation of a condition of, or the imposition of a further condition on, the exemption; and

(b) the variation of a licence includes a reference to the variation or revocation of a condition of, or the imposition of a further condition on, the licence.

(3) Meat shall be deemed to be unfit for human consumption if it has not been produced at a licensed meat premises.

(4) A meat product shall be deemed to be unfit for human consumption if it is wholly or partially derived from any meat which has not been produced at a licensed meat premises.

#### **4. Application of Act**

This Act applies to and in relation to any meat premises or pet food works, whether or not established by or pursuant to any other Act.

#### **5. Act not to apply to certain persons**

(1) Nothing in this Act prevents –

(a) any person slaughtering, or causing to be slaughtered, at his farm any animals belonging to him for consumption at that farm by that person, his family, guests or residents in his home, or his employees, or by animals kept by him; or

(b) any person slaughtering, or causing to be slaughtered, at his property any birds belonging to him for consumption by that person, his family, guests or residents in his home, or his employees, or by animals kept by him.

(2) Notwithstanding subsection (1)(a), a person may, with the approval in writing of an inspector and in accordance with any directions the inspector may give, slaughter on his farm animals belonging to him for consumption elsewhere than on his farm by that person, his family, residents in his home, or his employees, or by animals kept by him.

### **PART II - Administration**

#### **6. Appointment of Chief Inspector of Meat Hygiene and inspectors**

(1) The Secretary of the Department may –

(a) appoint a State Service officer or State Service employee employed in the Department who is suitably qualified to be the Chief Inspector of Meat Hygiene; and

(b) appoint a State Service officer or State Service employee employed in the Department who is so qualified to act in the office of Chief Inspector in the absence of the Chief Inspector.

(2) A person appointed under subsection (1)(a) or (b) may hold, or act in, as the case may be, the office of Chief Inspector in conjunction with State Service employment.



(3) The Secretary of the Department may appoint such State Service officers and State Service employees employed in the Department as he considers necessary to be inspectors under this Act and those officers and employees may hold office as inspectors under this Act in conjunction with State Service employment.

(4) The Secretary of the Department may appoint a person who is a Commonwealth inspector to be an inspector under this Act.

(5) The Governor may make an arrangement with the Governor-General of the Commonwealth with respect to any matter necessary or convenient for the purposes of an appointment referred to in subsection (4) and the exercise and discharge by a Commonwealth inspector of the powers and functions of an inspector.

(6) The Chief Inspector may by an authority in writing authorize a State Service officer or State Service employee employed in the Department to perform such of the functions, and exercise such of the powers, conferred on the Chief Inspector under this Act as may be specified in the authority, and anything done in pursuance of such an authority has the like effect as if it were done by the Chief Inspector.

(7) The Secretary of the Department may, by instrument in writing, authorize persons, not being State Service officers or State Service employees, to perform such of the duties and exercise such of the powers of an inspector as are specified in the instrument of authorization.

(8) Where, through unavoidable or unforeseen circumstances, the performance and exercise of the functions and powers of inspectors under this Act are disrupted, the Secretary of the Department shall take all reasonable steps to ensure that those functions and powers are performed and exercised.

## **PART III - Licences**

### ***Division 1 - General***

#### **7. Licences**

(1) A person must not operate any meat premises unless that person holds a meat premises licence.

Penalty:

Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(2) A person must not operate any pet food works unless that person holds a pet food works licence.

Penalty:

Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

## **8. *Export Control Act 1982***

Any meat premises situated in this State and registered under the *Export Control Act 1982* of the Commonwealth are taken to be licensed meat premises.

## **9. Authority of meat premises licence**

A meat premises licence authorises the holder to do one or more of the following:

- (a) slaughter abattoir animals to produce meat or meat products;
- (b) produce meat or meat products from slaughtered abattoir animals;
- (c) store any meat or meat products produced under paragraph (b);
- (d) slaughter poultry to produce meat or meat products;
- (e) produce meat or meat products from slaughtered poultry;
- (f) store any meat or meat products produced under paragraph (e);
- (g) produce meat or meat products from game slaughtered in the wild;
- (h) store any meat or meat products produced under paragraph (g);
- (i) any other matter the Chief Inspector determines.

## **10. Authority of pet food works licence**

A pet food works licence authorises the holder to do one or more of the following:

- (a) slaughter animals or birds for the production of pet food;
- (b) produce pet food from animals or birds slaughtered;
- (c) produce pet food from carcasses of animals or birds delivered to the pet food works;
- (d) store any pet food produced;
- (e) any other matter the Chief Inspector determines.

## ***Division 2 - Applications***

## **11. Application for licence**

- (1) A person may apply for a –
  - (a) meat premises licence; or
  - (b) pet food works licence.
- (2) An application is to be –
  - (a) in an approved form; and

(b) accompanied by the prescribed fee; and

(c) lodged with the Chief Inspector.

(3) The Chief Inspector may require an applicant to provide further information and documents.

## 12. Grant or refusal of application

(1) The Chief Inspector may –

(a) grant an application for a licence; or

(b) refuse the application.

(2) The Chief Inspector may refuse to grant an application for a licence if satisfied that –

(a) the applicant is unable, or is unlikely, to comply with this Act; or

(b) the layout, plant and equipment of the relevant premises are not suitable or unlikely to be suitable for the purpose of the licence; or

(c) the applicant was convicted of an offence under –

(i) this Act; or

(ii) the *Export Control Act 1982* of the Commonwealth; or

(iii) the *Animal Welfare Act 1993*; or

(iv) any other Act of the Commonwealth or another State or a Territory of the Commonwealth relating to meat hygiene or animal welfare.

(3) In considering an application, the Chief Inspector may consult with, and obtain information from, any person or body he or she considers appropriate.

(4) The Chief Inspector, by notice in writing served on the applicant, is to notify –

(a) the granting of the application; or

(b) the refusal to grant the application and any reasons for the refusal.

## 13. Conditions of licence

(1) The Chief Inspector may grant an application for a licence subject to any conditions the Chief Inspector considers appropriate.

(2) The Chief Inspector may –

(a) impose a new condition on a licence; or

(b) vary a condition of a licence; or

(c) revoke a condition of a licence.

(3) The Chief Inspector, as soon as practicable after exercising a power under subsection (2), is to give the holder of the licence notice of –

(a) the imposition, variation or revocation of the condition; and

(b) the reasons for the imposition, variation or revocation.

(4) A holder of a licence must –

(a) comply with any condition of the licence; and

(b) cause any person in or about the licensed premises to comply with those conditions.

Penalty:

Fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

#### 14. Issue of licence

If the Chief Inspector grants an application for a licence under section 12(1)(a), the Chief Inspector, on payment of the prescribed fee, is to –

(a) issue the licence in an approved form; and

(b) endorse the licence with any applicable conditions.

#### 15. Duration of licence

A licence remains in force for whichever of the following periods is the lesser:

(a) the period specified in the licence;

(b) a period of 12 months from the date of issue of the licence.

#### 16. Renewal of licence

(1) The holder of a licence may apply to the Chief Inspector to renew the licence.

(2) An application is to be –

(a) in an approved form; and

(b) lodged with the Chief Inspector within 28 days before the licence ceases to be in force; and

(c) accompanied by the prescribed fee.

(3) The Chief Inspector may –

- (a) grant the application for renewal of the licence; or
  - (b) refuse to grant the application.
- (4) The Chief Inspector may refuse to grant an application for renewal of a licence if satisfied as to the matters specified in section 12(2).
- (5) In considering an application, the Chief Inspector may consult with and obtain information from any person or body he or she considers appropriate.
- (6) The Chief Inspector, by notice in writing served on the applicant, must notify –
- (a) the granting of the application; or
  - (b) the refusal to grant the application and any reasons for the refusal.
- (7) Sections 13, 14 and 15 apply to the renewal of a licence as if it were an original licence.

## 17. Surrender of licence

- (1) The holder of a licence may surrender the licence by giving notice to the Chief Inspector and returning the licence to that person.
- (2) A licence ceases to be in force on its surrender.

## 18. Refund of fees

The Chief Inspector may refund the whole or any part of a fee paid in respect of –

- (a) an application for a licence that is not granted or is withdrawn; or
- (b) an application for the renewal of a licence that is not granted or is withdrawn; or
- (c) a licence that is surrendered.

## 19. Reviews

- (1) The Chief Inspector may cancel a licence if –
- (a) a substantive condition of the licence has not been complied with; or
  - (b) the issue or renewal of the licence was obtained improperly; or
  - (c) the holder of the licence is convicted of an offence under –
    - (i) this Act; or
    - (ii) the *Export Control Act 1982* of the Commonwealth; or
    - (iii) the *Animal Welfare Act 1993*; or
    - (iv) any other Act of the Commonwealth or another State or a Territory of the Commonwealth relating to meat hygiene or animal

welfare.

(2) The Chief Inspector may suspend a licence for a period not exceeding 12 months or any further period the Chief Inspector considers appropriate if –

- (a) a minor condition of the licence has not been complied with; or
- (b) a direction under section 33 has not been complied with; or
- (c) a notice under section 34(2) has not been complied with; or
- (d) a fee that is prescribed in the regulations has not been paid; or
- (e) regulation 8(6)(b) of the regulations has not been complied with.

(3) Before making a decision to cancel or suspend a licence, the Chief Inspector is to consult with, and obtain any relevant information from, the holder of the licence.

(4) The Chief Inspector, by notice in writing served on the holder of the licence, is to notify the cancellation or suspension of the licence with reasons for the cancellation or suspension.

(5) The cancellation or suspension of a licence takes effect 28 days after the service of the notice.

## **20. Variation of licences**

(1) The Chief Inspector, on his or her own volition or on application, may vary a licence by adding, omitting, substituting or amending any condition of the licence.

(2) The Chief Inspector, by notice in writing served on the holder of a licence, is to notify any variation of the licence.

(3) The variation of a licence takes effect 28 days after the service of the notice.

## **21. Transfer of licence**

(1) The holder of a licence may apply to the Chief Inspector for approval to transfer the licence for the remaining period of the licence.

(2) An application is to be –

- (a) in an approved form; and
- (b) accompanied by the prescribed fee.

(3) The Chief Inspector may –

- (a) grant the application for a transfer; or
- (b) refuse the application.

(4) The Chief Inspector may refuse the application if satisfied that –

(a) the holder of the licence has not complied with the conditions of the licence; and

(b) the person to whom the licence is to be transferred has been convicted of an offence under –

(i) this Act; or

(ii) the *Export Control Act 1982* of the Commonwealth; or

(iii) the *Animal Welfare Act 1993*; or

(iv) any other Act of the Commonwealth or another State or a Territory of the Commonwealth relating to meat hygiene or animal welfare.

(5) The Chief Inspector, by notice in writing, is to notify the holder of the licence of the approval or refusal to approve the transfer of the licence.

(6) A licence transferred under this section continues to be subject to the same conditions in force immediately before the transfer.

### ***Division 3 - Records***

## **22. Keeping records**

The holder of a licence must keep records on the operation of the meat premises or pet food works to which the licence relates in an approved manner.

Penalty:

Fine not exceeding 10 penalty units.

## **23. Inspection of records**

(1) An inspector may require a person to produce any record required to be kept under this Act.

(2) An inspector may –

(a) examine any record produced under subsection (1); and

(b) remove the record for the purpose of paragraph (c); and

(c) take extracts from, or copies of, the record by any means; and

(d) require the holder of a licence or any employee of the holder to produce any of those records in his or her possession or under his or her control.

### ***Division 4 - Reviews***

## **24. Appeals**

(1) A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the Chief Inspector's decision to –

- (a) refuse to grant an application for a licence; or
- (b) refuse to grant an application for the renewal of a licence; or
- (c) impose any condition on a licence; or
- (d) suspend a licence; or
- (e) cancel a licence; or
- (f) refuse to grant an application for the transfer of a licence; or
- (g) vary a condition of a licence.

(2) . . . . .

(3) . . . . .

(4) . . . . .

25.

### *Division 5 - Register*

#### **26. Register**

- (1) The Chief Inspector is to keep a register of licences.
- (2) The Chief Inspector is to register details of the following:
  - (a) licences;
  - (b) transfer of licences;
  - (c) renewal of licences;
  - (d) conditions of licences;
  - (e) variation of conditions of licences;
  - (f) suspension of licences;
  - (g) cancellation of licences;
  - (h) surrender of licences.

#### **26A. Correction of register**

- (1) The Chief Inspector may correct any error or omission in the register by –
  - (a) inserting an entry; or



(b) amending an entry; or

(c) deleting an entry.

(2) The Chief Inspector is to notify the appropriate licensee of any correction made to the register that may affect any licence issued.

## **26B. Inspection of register**

(1) The Chief Inspector is to make the register available for inspection during normal business hours.

(2) Any person, on payment of the prescribed fee, may –

(a) inspect the register; and

(b) obtain an extract of an entry in the register; and

(c) obtain a copy of anything registered in the register.

## **PART IV - Inspections**

### **27. Identification of inspectors**

(1) An inspector shall be provided by the Chief Inspector with a certificate of identification.

(2) Where in any place an inspector is about to exercise or is in the course of exercising a power conferred on him by or under this Act and a person apparently in charge of the place, or of any work or activity carried on there, requests him to produce his certificate of identification as an inspector, it is not lawful for him to exercise or, as the case may be, to continue to exercise that power unless he produces that certificate to that person.

### **28. Powers of inspectors**

(1) An inspector may –

(a) enter and remain in or on any licensed meat premises or licensed pet food works;

(b) stop, enter, and remain in or on any meat vehicle;

(c) inspect any licensed meat premises, licensed pet food works or any meat vehicle and all appurtenances to and appliances in any licensed meat premises, licensed pet food works or meat vehicle;

(d) inspect any slaughtering product, meat, meat product, or pet food in or on any licensed meat premises, licensed pet food works or any meat vehicle;

(e) open or break open any compartment, covering, or package found in or on any licensed meat premises, licensed pet food works or any meat vehicle that he suspects on reasonable grounds to contain any slaughtering product, meat, meat product, or pet food;

(f) photograph any licensed meat premises, licensed pet food works or meat vehicle or anything in or on any licensed meat premises, licensed pet food works or meat vehicle;

(g) without payment, take samples or specimens of any slaughtering product, meat, meat product, or pet food found in or on any licensed meat premises, licensed pet food works or any meat vehicle, and have them analysed; and

(h) brand, or direct the branding of, as fit for human consumption or as unfit for human consumption, or as fit for consumption by pets or as unfit for consumption by pets, as the case may be, any slaughtering product, meat, meat product, or pet food in or on any licensed meat premises, licensed pet food works or any meat vehicle.

(2) Where an inspector suspects on reasonable grounds that there is in or on any premises, not being licensed meat premises or licensed pet food works, or any vehicle not being a meat vehicle, any slaughtering product, meat, meat product, or pet food that is intended for sale, he may perform his functions and exercise his powers under this Act in relation to the premises or vehicle as if the premises were licensed meat premises or licensed pet food works and the vehicle were a meat vehicle.

## **29. Power of inspectors to require inspection or additional inspection**

(1) Where an inspector suspects on reasonable grounds that any meat, meat product, or pet food on any licensed meat premises or licensed pet food works or in any meat vehicle is unfit for human consumption or unfit for consumption by pets, or both, the inspector, by notice in writing served on the holder of a licence in respect of those meat premises or pet food works, or on the person apparently in charge of those meat premises or pet food works or that meat vehicle or by direction given orally to any such holder or person, may require him or her to submit the meat, meat product or pet food on those meat premises or pet food works or in that meat vehicle for inspection, without fee, at those meat premises or pet food works or, in the case of a notice served on, or an oral direction given to, the person apparently in charge of a meat vehicle, at a place determined by the inspector, notwithstanding that the meat, meat product, or pet food has been previously inspected by an inspector.

(2) Where a person fails to comply with a requirement given by an inspector under subsection (1), the inspector may seize the meat, meat product, or pet food.

(3) Any meat, meat product, or pet food seized under subsection (2) shall become the absolute property of the Crown.

## **30. Condemning of animals, &c.**

(1) An inspector may condemn, as unfit for human consumption or as unfit for consumption by pets, or both, any animal or poultry, or any meat, meat product, or pet food in or on any licensed meat premises, licensed pet food works or any meat vehicle.

(2) An inspector may direct that any meat, meat product, or pet food that is in or on any licensed meat premises, licensed pet food works or any meat vehicle be treated, in a specified manner and within a specified time, for the purpose of making or keeping it fit for human consumption or fit for consumption by pets.

(3) Where a direction under subsection (2) is not complied with, an inspector may condemn the meat, meat product, or pet food as unfit for human consumption or as unfit for consumption by pets, or both.

(4) Where anything is condemned under subsection (1) or (3) as unfit for human consumption or as unfit for consumption by pets, an inspector may, if he thinks fit, seize it and cause it to be destroyed or otherwise disposed of.

(5) Anything seized under subsection (4) shall become the absolute property of the Crown.

(6) If a person, without the permission of an inspector, removes, takes away, or otherwise deals with any meat, meat product, or pet food condemned under this Act, that person, in addition to any other punishment to which he may be liable, is guilty of an offence.

### 31. Seizure

(1) An inspector may seize –

(a) any meat, meat product, or pet food that he believes on reasonable grounds is meat, meat product, or pet food in respect of which an offence against this Act has been committed; and

(b) any matter or thing that he believes on reasonable grounds will afford evidence of the commission of an offence against this Act.

(2) Where an inspector seizes any meat, meat product, pet food, matter, or thing under subsection (1), he shall, as soon as practicable, serve on the owner of the meat, meat product, pet food, matter, or thing or the person from whose possession the meat, meat product, pet food, matter, or thing was seized a notice in writing informing him of the seizure.

(3) An inspector may retain any meat, meat product, or pet food, or the matter or thing seized under subsection (1), until the expiration of a period of 60 days after the service of the notice referred to in subsection (2) or, if proceedings for such an offence in respect of the meat, meat product, or pet food, or in respect of which the matter or thing may afford evidence, are instituted within that period, until the proceedings (including any appeal to a court in relation to those proceedings) are terminated.

(4) The power under subsection (1) to seize any meat, meat product, or pet food includes a power to seize any covering in which the meat, meat product, or pet food is contained.

(5) The Minister may authorize any meat, meat product, or pet food, or any matter or thing, seized under subsection (1) to be released to the owner of, or to the person from whose possession, the meat, meat product, pet food, matter, or thing was seized, either unconditionally or on such conditions as the Minister thinks fit, including, in the case of meat, meat products, or pet food, conditions as to the giving of security for payment of the value of the meat, meat product, or pet food if it is forfeited under section 32.

(6) If any person, without the permission of an inspector, removes or takes away any meat, meat product, pet food, or other matter or thing seized under subsection (1), that person, in addition to any other punishment to which he may be liable, is guilty of an offence and is liable

on summary conviction to a fine not exceeding 50 penalty units.

(7) If any person tampers with, alters, or in any way interferes with any meat, meat product, pet food, or other matter or thing seized under subsection (1), that person, in addition to any other punishment to which he may be liable, is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 penalty units.

### **32. Forfeiture of meat, &c.**

(1) Where a court convicts a person of an offence against this Act in respect of any meat, meat product, or pet food, the court may order the forfeiture to the Crown of the meat, meat product, or pet food.

(2) The forfeiture of any meat, meat product, or pet food under subsection (1) extends to the forfeiture of any covering in which the meat, meat product, or pet food is contained.

(3) Any meat, meat product, or pet food forfeited under this section may be sold, or otherwise disposed of, as the Minister directs in writing signed by him.

### **33. Power of inspectors to give directions and perform prescribed functions**

(1) An inspector may, orally or in writing, give such directions as he thinks proper to the holder of a meat premises licence or a pet food works licence or the person apparently in charge of those premises or works with respect to –

(a) the preparation of animals and poultry for slaughtering, the slaughtering of animals and poultry, the production of meat, meat products or pet food and associated procedures carried out at the licensed meat premises or licensed pet food works; and

(b) the hygienic and humane management and operation of the licensed meat premises or licensed pet food works; and

(c) the loading of meat vehicles at the licensed meat premises or licensed pet food works with, or the conveyance of, any slaughtering product, meat, or meat product.

(2) Without limiting the generality of subsection (1), a direction referred to in that subsection may prohibit –

(a) the carrying out at any licensed meat premises or licensed pet food works of any procedure carried out at those premises or works for such period as the inspector giving the direction considers necessary to enable him to perform any of his functions or to exercise any of his powers under this Act; and

(b) the loading of any meat vehicle with, or the conveyance of, any slaughtering product, meat, or meat product –

(i) where the inspector considers that the vehicle is in an unhygienic state or is unsuitable for the conveyance of any slaughtering product, meat, or meat product; or

(ii) for such period as he considers necessary to enable him to perform any of his functions or to exercise any of his powers under this Act.

(3) A direction referred to in subsection (1) that requires the installation or alteration of any plant or equipment has no effect unless the direction was given by or with the approval of the Chief Inspector.

(4) Without affecting the generality of subsection (1) or any other provision of this Act, an inspector may give such directions, perform such other functions, and exercise such other powers, in respect of any licensed meat premises, licensed pet food works or any meat vehicles as are prescribed.

(5) A person to whom a direction referred to in this section is given who fails to comply with the direction is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

### **34. Notice relating to condition of meat premises**

(1) Where, in the opinion of an inspector, the condition of any licensed meat premises or licensed pet food works or any procedure relating to the operation of those premises or works is insanitary or unhygienic, the inspector may, by notice in writing served on the person apparently in charge of the licensed meat premises –

(a) require that person to cause that condition or procedure to be remedied by taking the steps specified in the notice within the period specified in the notice, being a period not exceeding 24 hours; and

(b) require the cessation of use of the licensed meat premises or licensed pet food works, either absolutely or as specified in the notice for a period specified in the notice, being a period not exceeding 24 hours, or until the steps so specified are taken, whichever is the shorter period.

(2) Where, in the opinion of the Chief Inspector, the condition of any licensed meat premises or licensed pet food works or any procedure relating to the operation of those premises or works is insanitary or unhygienic, the Chief Inspector may, by notice in writing served on the person apparently in charge of those premises or works –

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

(b) require the cessation of use of the licensed meat premises or licensed pet food works, either absolutely or as specified in the notice, until the steps so specified are taken.

(3) A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the Chief Inspector's decision to serve the person with a notice under subsection (2).

(4) . . . . .

(5) A person served with a notice under subsection (1) or subsection (2) who fails, without reasonable excuse, to comply with the notice is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 penalty units and, in the case of a continuing offence, to a further fine not exceeding 5 penalty units for each day during which the offence continues.

### 35. Inspection of records

An inspector may –

(a) enter and remain in or on any premises or stop, enter, and remain in or on any vehicle which are or is, or which he suspects on reasonable grounds are or is, being used –

(i) in contravention of this Act; or

(ii) for the storage or custody of any records relating to the slaughtering of animals or poultry, or the storage, distribution, sale, or conveyance of meat, meat products, slaughtering products, or pet food;

(b) search and inspect any premises or vehicle referred to in paragraph (a) for the presence of, and examine, any records referred to in paragraph (a)(ii);

(c) inspect and take copies of, or extracts or notes from, any of those records;

(d) remove any of those records from any premises or vehicle referred to in paragraph (a) for the purpose of taking copies of those records; and

(e) require any person found in or on any premises or vehicle referred to in paragraph (a) to produce any of those records in his possession or under his control.

36.

### 37. Obstructing inspectors

A person shall not –

(a) delay, obstruct, hinder, impede, threaten, or assault –

(i) an inspector in the performance of his functions or in the exercise of his powers under this Act; or

(ii) a person assisting an inspector in the performance of his functions or in the exercise of his powers under this Act; or

(b) fail to comply with any requirement made under section 35(e).

Penalty:

Fine not exceeding 10 penalty units.

### 38. Supply of meat, &c., to inspectors

(1) Except as approved by the Minister, the owner of licensed meat premises, or an employee or agent of that owner, shall not supply any meat, meat product, or pet food to a person whom

he knows is an inspector.

Penalty:

Fine not exceeding 30 penalty units.

(2) An approval referred to in subsection (1) may relate to the right of the holder of a licence specified in the approval, or an employee or agent of that holder –

(a) to supply any inspector with any meat, meat product, or pet food for such period and on such conditions as may be specified in the approval; or

(b) to supply an inspector specified in the approval with any meat, meat product, or pet food on such occasion or occasions specified in the approval and on such conditions as may be so specified.

### 39. Personation of inspectors

A person shall not –

(a) forge or counterfeit any written evidence of appointment, or certificate of identification, of an inspector;

(b) make use of any forged, counterfeited, or false written evidence of such an appointment or of such a certificate;

(c) personate an inspector named in any written evidence of appointment or certificate of identification; or

(d) falsely pretend to be an inspector.

Penalty:

Fine not exceeding 5 penalty units.

### 40. Questions by inspectors

(1) An inspector may require the holder of a licence or any person employed in or about any premises required by this Act to be licensed to answer questions relating to the observance of this Act or to any matter in connection with the performance of the inspector's functions or the exercise of his powers or the execution of this Act.

(2) Subject to subsection (3), a person shall not, when required to answer a question under subsection (1) –

(a) refuse or fail to answer the question; or

(b) make any answer which, to his knowledge, is false or misleading in a material particular.

Penalty:

Fine not exceeding 10 penalty units.

(3) A person is not obliged to answer any question asked of him under subsection (1) unless he has first been informed by the inspector asking the question that he is required and is obliged to answer the question by virtue of this section.

(4) A person may not refuse to answer a question asked of him under subsection (1) on the ground that his so doing might tend to incriminate him or make him liable to any penalty.

(5) Any answer given by a person pursuant to a requirement made under subsection (1), after he has been informed in the manner set forth in subsection (3), shall not be admissible in evidence in any proceedings, civil or criminal, against him, other than in proceedings under subsection (2).

(6) Nothing in this section affects the admissibility in evidence of an answer voluntarily given by a person to a question asked by an inspector but which the inspector did not require that person to answer under this section.

#### **41. Demanding name and place of abode**

(1) An inspector who finds a person committing an offence against this Act or who finds a person whom, on reasonable grounds, he suspects of having committed or attempted to commit any such offence may demand from that person his name and place of abode.

(2) A person shall not, upon demand made under subsection (1) –

(a) fail or refuse to state his name or place of abode; or

(b) give a false name or place of abode.

Penalty:

Fine not exceeding 2 penalty units.

#### **42. Power of inspectors to enter premises with assistants**

In the performance of his functions or in the exercise of his powers under this Act, an inspector may be accompanied by such other persons as he considers necessary or desirable in the circumstances.

#### **43. Restriction on exercise of powers of inspectors**

Nothing in this Part authorizes an inspector to exercise any of his powers under this Act in any portion of a building that is used for residential purposes without the permission of the occupier of that portion of the building.

### **PART V - Miscellaneous**

#### **44. Act not to apply to certain animals, &c.**

(1) The Governor may by proclamation declare that this Act or any of the provisions of this Act specified in the proclamation shall not apply to or in relation to any animal or bird, or any class of animal or bird, specified in the proclamation and intended to be slaughtered for the production of meat or meat products or any meat, meat product, or slaughtering product



produced from any such animal or bird or class of animal or bird for such period as is specified in the proclamation.

(2) The Governor may by proclamation declare that this Act or any of the provisions of this Act specified in the proclamation shall not apply to or in relation to –

- (a) any animal or bird, or class of animal or bird, specified in the proclamation intended to be slaughtered for the production of pet food;
- (b) any pet food produced from any such animal or bird or class of animal or bird;  
or
- (c) any pet food –

for such period as is specified in the proclamation.

#### **45. Exemption from operation of Act**

(1) The Secretary of the Department may, by notice in writing –

- (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, poultry abattoir, pet food works, or game meat processing works 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 referred to in subsection (1); and
- (b) be unconditional or subject to such conditions as may be specified in the notice.

(3) A person granted an exemption under subsection (1) who contravenes, or fails to comply with, any condition specified in the notice referred to in subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

#### **46. False or misleading information**

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

Penalty:

Fine not exceeding 10 penalty units.

#### **47. Prohibition on slaughter of animals, &c.**

(1) A person must not slaughter any abattoir animal or poultry, or cause any abattoir animal or poultry to be slaughtered, for the production of meat or a meat product except at licensed meat premises.

Penalty:

Fine not exceeding 10 penalty units.

(2) . . . . .

(3) A person shall not slaughter, or cause to be slaughtered, any animal or bird (not being game) for the production of pet food except at a licensed pet food works.

Penalty:

Fine not exceeding 10 penalty units.

(4) A person shall not process the carcass of any animal or bird (not being game) for the production of pet food except at a licensed pet food works.

Penalty:

Fine not exceeding 10 penalty units.

(5) Notwithstanding subsection (3), the holder of a pet food works licence or a person who is acting for or on behalf of the holder of a pet food works licence may slaughter any animal or bird (not being game) for the production of pet food at premises, other than licensed meat premises, if –

(a) the animal or bird is slaughtered in accordance with the procedure approved by the Chief Inspector; and

(b) the carcass of the animal or bird is transported, in accordance with the procedure approved by the Chief Inspector, to licensed pet food works for processing at those works.

48.

49.

## 50. Prohibition on certain meat

A person must not bring any meat or meat product into licensed meat premises unless that meat or meat product has been passed as fit for human consumption by an inspector or a person authorised under section 6(7).

Penalty:

Fine not exceeding 50 penalty units.

## 51. Offence to bring meat, &c., into State

(1) A person shall not bring any meat or meat product into the State unless the meat or meat

product is fit for human consumption.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person shall not bring a slaughtering product that is intended for use as pet food into the State unless the slaughtering product is fit for use as pet food.

Penalty:

Fine not exceeding 50 penalty units.

## 52. Prohibition of sale of meat, &c., in certain circumstances

(1) A person shall not sell or process for sale any meat, unless –

(a) it was produced at licensed meat premises and is fit for human consumption;

(b) it was produced in another State or a Territory of the Commonwealth at premises licensed under any Act of the Commonwealth or of another State or a Territory of the Commonwealth and is fit for human consumption.

(c) . . . . .

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

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

(2A) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

(3) This section does not apply in relation to any meat or meat product imported into the Commonwealth in accordance with the *Quarantine Act 1908* of the Commonwealth.

## 53. Prohibition of sale of meat unfit for human consumption

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

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

## 53A. Prohibition on keeping meat and meat products produced from diseased animals, &c.

A person shall not keep or cause to be kept on any premises used by that person for or in connection with the business of selling meat or meat products for human consumption any meat or meat product or any

container containing any meat or meat product that –

- (a) was produced from any diseased animal; or
- (b) is for any other reason unfit for human consumption.

#### **54. Prohibition of producing meat, &c., unfit for human consumption**

(1) The holder of a licence shall not produce for sale any meat or meat product which was produced from any animal or bird that is diseased or is for any other reason unfit for human consumption.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

55.

#### **56. Prohibition of sale for human consumption of flesh or offal produced, &c., at pet food works**

(1) 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 from any flesh or offal produced, processed, or stored at a pet food works.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

#### **57. Offence relating to having meat in vehicles**

(1) A person shall not have in or on any vehicle on a public street, within the meaning of the Traffic Act 1925, meat other than meat produced from game, unless –

(a) it was produced at licensed meat premises and is fit for human consumption;

(b) it was produced in another State or a Territory of the Commonwealth at premises licensed under any Act of the Commonwealth or of another State or a Territory of the Commonwealth and is fit for human consumption; or

(c) . . . . .

(d) it was produced from slaughtering in respect of which a person has obtained the approval in writing of an inspector under section 5(2) and the person in charge of the vehicle in which the meat is contained or the person in that vehicle who is in possession of the meat is the person who obtained that approval, a member of his family, a resident in his home, or his employee or a member of the family of his employee; or

(e) that person has been granted an exemption in relation to this section under section 45.

Penalty:

Fine not exceeding 10 penalty units.

(2) A person shall not have in or on any vehicle on a public street, within the meaning of the *Traffic Act 1925*, pet food, other than pet food produced from game, unless –

- (a) it was produced at a licensed pet food works;
- (b) it was produced in another State or a Territory of the Commonwealth at premises licensed under any Act of the Commonwealth or of another State or a Territory of the Commonwealth and is fit for consumption by pets; or
- (c) it was produced from slaughtering in respect of which a person has obtained the approval in writing of an inspector under [section 5\(2\)](#) and the person in charge of the vehicle in which the pet food is contained or the person in that vehicle who is in possession of the pet food is the person who obtained that approval, a member of his family, a resident in his home, or his employee or a member of the family of his employee; or
- (d) that person has been granted an exemption in relation to this section under [section 45](#).

Penalty:

Fine not exceeding 10 penalty units.

## 58. Offence relating to sale of certain pet foods

(1) A person must not sell any pet food unless –

- (a) it was produced at licensed meat premises or licensed pet food works; or
- (b) it was produced in another State or a Territory of the Commonwealth at premises licensed under any Act of the Commonwealth or of another State or a Territory of the Commonwealth and is fit for consumption by pets.

(1A) A person shall not sell any pet food unless it is identified as prescribed.

(1B) A person who contravenes [subsection \(1\)](#) or [\(1A\)](#) is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

(2) For the purposes of this section, *pet food* does not include dehydrated pet food or pet food contained in an hermetically sealed container.

## 59. Offence relating to sale of pet food produced from diseased animal or bird

(1) A person shall not sell any pet food which was produced from a diseased animal or bird, or is, for any other reason, unfit for consumption by pets.

(2) A person who contravenes [subsection \(1\)](#) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a

further fine not exceeding 1 penalty unit for each day during which the offence continues.

## 60. Offences relating to branding of meat

(1) A person shall not brand, or cause to be branded, any meat or any container containing any meat or meat product as fit or unfit for human consumption, unless he is an inspector or is authorized to do so by an inspector.

Penalty:

Fine not exceeding 30 penalty units.

(2) A person shall not keep or cause or permit to be kept any meat, or any covering containing any meat or meat product, which has not been branded or which has been branded otherwise than in accordance with this Act, on any premises used by that person for or in connection with the business of selling meat or meat products for human consumption.

(2A) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) A person shall not keep or cause or permit to be kept –

(a) any pet food which has not been dyed in accordance with this Act; or

(b) any container containing pet food where the container has not been identified as prescribed –

on any premises used by that person for or in connection with the business of selling pet food.

(3A) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(4) For the purposes of subsection (3), *pet food* does not include dehydrated pet food or pet food contained in an hermetically sealed container.

## 61. Official marks, &c.

A person shall not, without the approval of the Chief Inspector –

(a) manufacture, have in his possession, apply, alter, or interfere with an official mark;

(b) manufacture, have in his possession, or apply a mark resembling, or apparently intended to resemble or pass for, an official mark; or

(c) manufacture or have in his possession an official marking device.

Penalty:

Fine not exceeding 30 penalty units.

## 62. False trade descriptions

- (1) A person shall not apply a false trade description to any meat or meat product.
- (2) A person shall not sell any meat or meat product to which a false trade description has been applied.
- (3) A person who contravenes subsection (1) or (2) is guilty of an offence.
- (4) For the purposes of subsections (1) and (2), a false trade description shall be deemed to be applied to any meat or meat product –
  - (a) if it is applied to the meat or meat product;
  - (b) if it is applied to a covering, label, or thing used in connection with the meat or meat product; or
  - (c) if it is applied to a document relating to the meat or meat product or used in any other manner likely to lead to the belief that it describes or designates the meat or meat product.

### 63. Indictable offences

- (1) An offence under section 30(6) or 62 is an indictable offence and, subject to this section, is punishable on conviction by a fine not exceeding 500 penalty units for a first offence and, for a second or subsequent offence, to a fine not exceeding 1 000 penalty units.
- (2) Notwithstanding that an offence referred to in subsection (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.
- (3) Where, in accordance with subsection (2), a person is convicted before a court of summary jurisdiction of an offence referred to in subsection (1), the fine that a court may impose shall not exceed 100 penalty units for a first offence and, in relation to a second or subsequent offence, shall not exceed 250 penalty units.

### 64. Offences by bodies corporate

Where an offence under this Act has been committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director of or other person concerned in the management of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and is liable to a penalty not exceeding that prescribed for the offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

### 65. Prosecutions for offences under Act

- (1) A prosecution for an offence under this Act shall not be instituted without the approval in writing of the Chief Inspector.
- (2) The Chief Inspector shall not give his approval under subsection (1) to the institution of a prosecution for an offence under this Act if he considers that the offence is a minor offence or that the institution of such a prosecution would not be in the public interest.

## 66. Evidence

(1) A certificate purporting to be a certificate signed by the Chief Inspector certifying –

- (a) that a person is or was at the time mentioned in the certificate an inspector;
- (b) that a person was or was not the holder of a licence at the time mentioned in the certificate; or
- (c) that any provision set out in the certificate was, at the time mentioned in the certificate, a condition of a licence or a condition of an exemption given under this Act –

is admissible in any proceedings under this Act and shall, until the contrary is established, be evidence of the matters so certified.

(2) A certificate purporting to be signed by an inspector certifying –

- (a) that any substance was meat, a meat product, pet food, a slaughtering product, or a product of a slaughtering product;
- (b) that any slaughtering product was produced, processed, or stored at a pet food works;
- (c) that any meat was or was not produced at any licensed meat premises or was not passed or certified as fit for human consumption;
- (d) that any meat product was produced from meat that was or was not produced at any licensed meat premises or was not passed or certified as fit for human consumption;
- (e) that any meat or meat product was, in his opinion, produced from any diseased animal or bird or was for any other reason unfit for human consumption;
- (f) that any pet food was or was not produced at a licensed meat premises or licensed pet food works;
- (g) that any pet food was, in his opinion, produced from any diseased animal or bird or was for any other reason unfit for consumption by pets;
- (h) that any meat, meat product, or pet food was produced from a particular species of animal or bird; or
- (i) that a slaughtering product was not passed as fit for human consumption –

is admissible in any proceedings under this Act and shall, until the contrary is established, be evidence of the matters so certified.

(3) If in any proceedings it is proved 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 meat, meat product, or pet food, it shall, unless the contrary is established, be evidence that the meat, meat product, or pet food was being offered, exposed, or stored for sale by that person.



## 67. Defences

(1) In proceedings for an offence under this Act it shall, subject to subsection (2), 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;

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

(c) that he –

(i) was an employee of the occupier of, or the holder of the licence in respect of, the meat premises, in relation to which the offence was committed and was acting on the instructions of that occupier or holder; or

(ii) was under the supervision of the occupier of, the holder of the licence in respect of, or the person in charge of, the meat premises in relation to which the offence was committed and was acting on the instructions of that occupier or holder.

(2) In proceedings for an offence under this Act, a person shall not, without the leave of the court, be entitled to rely on 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, not less than 7 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.

## 68. Service of documents, &c.

(1) Where under this Act a document or a notice is required to be served on a person, the document or notice may be served –

(a) in the case of a person who is neither a body corporate nor a firm –

(i) by delivering it to him personally;

(ii) by leaving it at that person's place of residence last known to the person required to serve the document or notice with someone who apparently resides there, or at that person's place of business or employment last known to the person required to serve the document or notice with someone who is apparently employed there, being in either case a person who has or apparently has attained the age of 16 years; or

(iii) by sending it by post to that person's place of residence, business, or employment last known to the person required to serve the document or notice;

(b) in the case of a body corporate –

- (i) by delivering it to the secretary of the body corporate personally;
- (ii) by leaving it at the registered office of the body corporate or at the place or principal place of business of the body corporate in Tasmania with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
- (iii) by sending it by post to the registered office of the body corporate or to the place or principal place of business of the body corporate; or

(c) in the case of a firm –

- (i) by delivering it to a member of the firm personally;
- (ii) by leaving it at the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
- (iii) by sending it by post to the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice.

(2) A reference in subsection (1) to the registered office of a body corporate includes a reference to a registered office that is outside Tasmania.

(3) The provisions of this section are in addition to the provisions of section 528 of the Companies (Tasmania) Code.

## 69. Administration

- (1) All expenses incurred in the administration of this Act shall be paid out of money to be provided by Parliament for that purpose.
- (2) All fees and penalties received under this Act shall be paid into the Consolidated Revenue.

## 70. Meat Hygiene Consultative Committee

- (1) The Minister may establish a Meat Hygiene Consultative Committee (in this section referred to as "the Committee") for the purpose of consulting with him on matters relating to the licensing of meat premises under this Act.
- (2) The Committee shall consist of—
  - (a) a person appointed by the Minister who shall be the chairman of the Committee;
  - (b) a person appointed by the Minister from a list of 3 persons, being beef producers, submitted to him by the Tasmanian Farmers and Graziers Association;

- (c) a person appointed by the Minister from a list of 3 persons, being sheep producers, submitted to him by the Tasmanian Farmers and Graziers Association;
- (d) a person appointed by the Minister from a list of 3 persons submitted to him by the Meat Exporters Association of Tasmania;
- (e) a person appointed by the Minister from a list of 3 persons submitted to him by the Meat and Allied Trades Federation of Australia (Tasmanian Division), being persons who are operators of licensed abattoirs or licensed slaughterhouses and who are not engaged in exporting meat outside the Commonwealth;
- (f) a person appointed by the Minister from a list of 3 persons submitted to him by the Australian Meat Industry Employees Union (Tasmanian Branch); and
- (g) such other persons appointed by the Minister as he considers necessary.

(3) Schedule 1 has effect with respect to the membership and meetings of the Committee.

## 71. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the Governor may make regulations for or in respect of the following matters:
  - (a) the standards for the layout, plant, and equipment of any licensed meat premises and licensed pet food works;
  - (b) the operation of any licensed meat premises and licensed pet food works and of any plant, vehicles, or equipment in or on those premises;
  - (c) the hygiene of any licensed meat premises and licensed pet food works and persons employed in the operation of those premises;
  - (d) the sale and supply of meat or meat products produced from meat produced at any licensed meat premises;
  - (e) the requirements as to the maintenance and repair of any licensed meat premises and licensed pet food works and of any plant or equipment in or on those premises;
  - (f) inspections under this Act;
  - (g) the functions and powers of inspectors under this Act and the conferring or imposing on inspectors of functions and powers with respect to the hygiene and humane management of animals and birds and operation of any licensed meat premises and licensed pet food works;
  - (h) certificates to be given by inspectors relating to inspections made by them;
  - (i) . . . . .

- (j)** the disposal of condemned carcasses, meat, meat products, and pet food;
- (k)** the quality of water and the supply of water for use in the operation of any licensed meat premises and licensed pet food works and the payment and recovery of fees in respect of analysing or examining any such water;
- (l)** the holding and keeping of animals or birds prior to slaughter at any licensed meat premises and licensed pet food works;
- (m)** the slaughter of animals and birds at any licensed meat premises and licensed pet food works;
- (n)** the humane treatment of animals and birds prior to and during slaughter at any licensed meat premises and licensed pet food works;
- (o)** the dressing of carcasses produced at any licensed meat premises and licensed pet food works;
- (p)** the keeping and control of animals and birds at or in the vicinity of any licensed meat premises and licensed pet food works;
- (q)** the use of drugs and chemicals in the treatment of animals and birds at any licensed meat premises and licensed pet food works prior to slaughter;
- (r)** the use of drugs and chemicals on any game within a period of 28 days prior to the slaughter of that game;
- (s)** the identification, processing, and storage of any carcass of game prior to its delivery to licensed meat premises;
- (t)** the methods and conditions under which slaughtered game is transported from the place of slaughter to licensed meat premises;
- (u)** the identification, processing, and storage of any carcass of an animal or a bird prior to its delivery to licensed pet food works;
- (v)** the methods and conditions under which any carcass of an animal or a bird is transported from the place where that animal or bird was slaughtered to licensed pet food works;
- (w)** . . . . .
- (x)** the branding of meat and the labelling of coverings containing meat or meat products produced at any licensed meat premises;
- (y)** the identification of pet food and the ingredients contained in that pet food;
- (z)** the coverings containing pet food and the labels on those coverings;
- (za)** the grading and trade descriptions of any meat and meat product;
- (zb)** the production, packaging, storage, processing, and transport of meat, meat

products, and pet food at any licensed meat premises;

**(zc)** the analysis or examination of samples or specimens of any slaughtering product, meat, meat product, and pet food taken in accordance with this Act and the payment and recovery of fees in respect of analysing or examining such samples or specimens;

**(zd)** the fees payable in respect of applications for licences and renewals of licences;

**(ze)** the forms of notices, certificates, and other documents under this Act;

**(zf)** the cases in which, and the conditions upon which, duplicates of licences may be issued and the fees payable in respect of the issue of those duplicates;

**(zg)** the payment and recovery of fees in respect of –

**(i)** inspections and branding of meat and coverings containing meat or meat products;

**(ii)** inspections and branding of pet food and coverings containing pet food; and

**(iii)** inspections and branding of slaughtering products and coverings containing slaughtering products –

by inspectors;

**(zh)** . . . . .

**(zi)** the payment and recovery of fees for approvals given under this Act;

**(zj)** the keeping of records and the furnishing of returns by holders of licences;

**(zk)** the payment and recovery of fees in respect of inspections of licensed meat premises by inspectors;

**(zl)** the payment and recovery of fees for inspections carried out by inspectors other than at licensed meat premises of animals or birds or the carcasses of animals or birds intended for processing at licensed meat premises.

**(3)** Regulations made under this section may be made subject to such conditions, or be made so as to apply differently according to such factors as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

**(4)** Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with any of the regulations and may provide in respect of any such offence for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(5) A regulation under this section may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

(6) Any fee prescribed for the purposes of this Act may differ according to circumstances specified in the regulations.

(7) The regulations may adopt or incorporate the whole or any part of any document, standard, rule, code, specification or method, with or without modification, issued, prescribed or published by any person or body before or after the regulations take effect.

## **SCHEDULE 1 - Provisions with Respect to Membership and Meetings of the Meat Hygiene Consultative Committee**

### Section 70

#### **1. Interpretation**

In this Schedule, *Committee* means the Meat Hygiene Consultative Committee established under section 70.

#### **2. Terms and conditions of office of members of Committee**

(1) A member of the Committee –

(a) shall –

(i) be appointed for such period as the Minister thinks fit; and

(ii) hold and vacate office in accordance with the terms of his appointment or reappointment;

(b) may be removed from office by the Minister by notice in writing addressed and delivered to that member; and

(c) may at any time resign his office by notice in writing addressed and delivered to the Minister.

(2) The terms and conditions of office of a member of the Committee, with respect to matters not provided for in this Schedule, are as determined by the Minister.

#### **3. Change of name of organization which members of Committee represent**

If an organization referred to in section 70 (2) (b), (c), (d), (e), or (f) changes its name to another name or ceases to exist under the name referred to in the relevant paragraph, the Minister may, by order, amend that paragraph –

(a) by substituting for the name of the organization that other name; or

(b) by substituting for the name of that organization the name of some other organization which he is satisfied represents substantially the same interests as those represented by the first-mentioned organization.

#### **4. Appointment of substitute to act during absence of member of Committee**

If a member of the Committee is unable for any reason to carry out his duties as such a member for any period, the Minister may appoint a person who, in his opinion, is suitably qualified to act in place of that member during that period, and that person shall, for that period, be deemed to be a member of the Committee to act in the place of that member during that period.

#### **5. Convening of meetings**

Meetings of the Committee may be convened by the chairman of the Committee or by any 2 or more members of the Committee.

#### **6. Quorum**

Four members of the Committee shall constitute a quorum of the Committee.

#### **7. Presiding at meetings**

(1) The chairman of the Committee shall preside at all meetings of the Committee at which he is present.

(2) If the chairman of the Committee is not present at a meeting of the Committee, a member of the Committee elected by the members present shall preside at that meeting.

#### **8. Decision of meeting**

A decision carried by a majority of the votes of the members present at a meeting of the Committee shall be a decision of the Committee.

#### **9. Power of Committee to regulate its own procedure**

Subject to this section, the procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall be as determined by the Committee.