

# NORTHERN TERRITORY OF AUSTRALIA

## PET MEAT ACT

As in force at 1 July 1996

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 1996

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## PET MEAT ACT

An Act to provide for the regulation and control of the pet meat industry

### Part I Preliminary

#### 1 Short title

This Act may be cited as the *Pet Meat Act*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3 Interpretation

In this Act, unless the contrary intention appears:

***animals*** means cattle, sheep, pigs, goats, buffalo, deer, horses, donkeys, camels, rabbits, hares, poultry and other animals that are specified by the Chief Inspector, by notice in the *Gazette*, as animals for the purposes of this Act.

***authorized analyst*** means a person appointed under section 13 to be an authorized analyst for the purposes of this Act.

***Chief Inspector*** means the person appointed under section 7(1) to be the Chief Inspector of Pet Meat.

***Inspector*** means a person appointed under section 9(1) to be an Inspector of Pet Meat and includes the Chief Inspector and an inspector appointed under the *Stock Diseases Act* except where the Minister has otherwise directed under section 11 of that Act.

***land*** includes a building, structure, premises or place located on the land.

***licence*** means a licence under this Act.

**licence to process** means a licence under Part V or the renewal or variation of such a licence.

**licence to slaughter** means a licence under Part IV or the renewal or variation of such a licence.

**licence to store** means a licence under Part VI or the renewal or variation of such a licence.

**licensed processing place** means a place in respect of which there is a licence granted under section 20.

**licensed storing facility** means a facility in respect of which there is a licence granted under section 26.

**manager** means a person whose name is endorsed on a licence as the manager of the operations to which the licence relates.

**pet** means a domestic or captive animal which is carnivorous.

**pet meat** means the fresh, chilled or frozen carcass, flesh or another product derived from animals which is intended to be fed to pets, and includes meat from stock or poultry slaughtered under the *Abattoirs and Slaughtering Act*, but does not include a carcass, flesh or another product:

- (a) which has been condemned under the *Abattoirs and Slaughtering Act* as unfit for human consumption; or
- (b) heat sterilized in an hermetically sealed container or heat dried.

**sell** includes:

- (a) offer or expose for sale;
- (b) keep or have in possession for sale; and
- (c) supply for or in expectation of a reward or benefit paid or provided or to be paid or provided by the person supplied or another person, whether or not any person was or is under an obligation to pay or provide a reward or benefit.

#### **4 Application**

- (1) The Minister may, by notice in the *Gazette*, exempt a person from the whole or a specified provision of this Act.

- (2) Where a notice under subsection (1) is in force, this Act or the specified provision of this Act, as the case may be, does not apply to, or in relation to, the person specified in the notice.

## **Part II Prohibition on sale, &c., of pet meat**

### **5 Offence to sell or purchase pet meat**

- (1) No person shall sell, or intend to sell, pet meat unless:
- (a) the pet meat has been derived from an animal slaughtered under the *Abattoirs and Slaughtering Act*;
  - (b) he is the holder of a licence to slaughter or licence to process and he sells, or intends to sell, the pet meat in accordance with his licence; or
  - (c) he is a retailer of pet meat and he has purchased the pet meat from the holder of the licence to process.
- (2) No person shall purchase pet meat unless:
- (a) he is the holder of a licence to process and he purchases the pet meat in accordance with his licence from a person who is the holder of a licence to slaughter or the pet meat has been derived from an animal slaughtered under the *Abattoirs and Slaughtering Act*;
  - (b) he is a retailer of pet meat and he has purchased the pet meat from the holder of a licence to process; or
  - (c) it is purchased for the purpose of feeding the meat to his own or his employer's pet.

### **6 Offence to slaughter, &c., pet meat**

- (1) No person, other than the holder of a licence to slaughter, shall slaughter an animal for pet meat unless:
- (a) the animal is owned by him, or he has the consent of the owner of the animal to slaughter it; and
  - (b) the carcass, flesh or other product derived from the animal is not intended for sale as pet meat.
- (2) No person shall process pet meat otherwise than at a licensed processing place unless the pet meat is not intended for sale.

- (3) No person shall store pet meat otherwise than at a licensed storing facility unless:
  - (a) he does so under a licence to process;
  - (b) he is a retailer of pet meat and he has purchased the pet meat from the holder of a licence to process; or
  - (c) the pet meat is not intended for sale.

## **Part III Administration**

### **7 Chief Inspector of Pet Meat**

- (1) The Minister may appoint a Chief Executive Officer or employee, as defined in the *Public Sector Employment and Management Act* to be the Chief Inspector of Pet Meat for the purposes of this Act.
- (2) The Chief Inspector may exercise the powers conferred, and shall discharge the duties imposed, upon him by this Act.

### **8 Delegation by Chief Inspector**

- (1) The Chief Inspector may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Chief Inspector.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief Inspector.

### **9 Inspectors of Pet Meat**

- (1) The Minister may appoint a person to be an Inspector of Pet Meat for the purposes of this Act.
- (2) An Inspector may exercise the powers conferred, and shall discharge the duties imposed, upon him by this Act.

### **9A Identity cards**

- (1) The Chief Inspector shall issue to each Inspector appointed under section 9 an identity card containing a photograph and the signature of the Inspector verified by the signature of the Chief Inspector.



- (2) An Inspector issued with an identity card under subsection (1) shall, on the termination of the Inspector's appointment, surrender the identity card to the Chief Inspector.

#### **10 Powers of Inspector to enter**

An Inspector may, at any time, enter upon land for the purposes of this Act and inspect a place or facility which is:

- (a) a licensed processing place or licensed storing facility;
- (b) specified in an application under section 18 or 24 as a processing place or storing facility, respectively;
- (c) a mobile processing place which has been relocated in accordance with section 23; or
- (d) a place, facility or land where an Inspector has a reasonable belief that:
  - (i) an animal is, was, or is intended to be, slaughtered for pet meat; or
  - (ii) pet meat is, was, or is intended to be, processed, stored, packed or sold.

#### **11 Other powers of Inspectors**

An Inspector may, at any time, enter upon land and:

- (a) inspect machinery, tools, appliances, containers or vehicles used for or in connection with the cutting up, processing, storing, packaging, transporting, wholesaling or retailing of pet meat or which he suspects is intended for such use;
- (b) inspect an animal slaughtered, or intended to be slaughtered, as pet meat, or which he suspects is intended for such use;
- (c) inspect a carcass, flesh or another product derived from an animal found in an area, place, or vehicle known or suspected by the Inspector to contain or to be carrying, as the case may be, pet meat, and to take samples of the carcass, flesh or other product;
- (d) confiscate, condemn, destroy or dispose of a carcass, flesh or another product derived from an animal which is diseased or he suspects of being diseased, contaminated or otherwise unfit as pet meat;

- (e) give directions and orders in relation to the killing and dismembering of animals, identifying meat as pet meat by dyeing and the processing, storage, packaging and transporting of pet meat;
- (f) order or cause a person who is, or whom he suspects to be, in charge of a vehicle used for the transportation of a mobile processing place or pet meat to stop the vehicle and allow an Inspector to search the vehicle;
- (g) require a person to provide his name and address where the Inspector knows or suspects the person is involved with the pet meat industry;
- (h) direct the driver of a vehicle, which he suspects was, or is being, used for transporting pet meat otherwise than in accordance with this Act or the Regulations, to drive the vehicle to, and remain at, a place specified by the Inspector;
- (n) seize meat obtained in contravention of this Act or the Regulations or which he suspects has been obtained in contravention of this Act or the Regulations.

## **12 Liability for acts**

Where the Chief Inspector or an Inspector commits an act or makes an omission in good faith:

- (a) in the exercise or purported exercise of a power; or
- (b) in the performance or purported performance of a function,

under this Act for the purposes of giving effect to the provisions or objects of this Act, or for discharging an obligation placed upon him by this Act, no action, claim or demand, either civil or criminal, in respect of that act or omission lies, or shall be commenced or allowed against the Crown, the Chief Inspector or the Inspector.

## **13 Authorized analysts**

The Minister may appoint an employee as defined in the *Public Sector Employment and Management Act* to be an authorized analyst for the purposes of this Act.

## **Part IV                    Licence to slaughter**

### **14                    Application for licence to slaughter**

A person may apply for a licence to slaughter by lodging with the Chief Inspector:

- (a) an application in the prescribed form;
- (b) the prescribed fee;
- (c) proof that he is a fit and proper person to hold the licence;
- (d) proof that he is a licensed shooter under the *Firearms Act*; and
- (e) consent from the owner of land and the owner of animals which are to be the subject of the licence for the applicant to enter upon such land and to slaughter such animals.

### **15                    Grant of licence to slaughter**

The Chief Inspector may grant and issue a licence to slaughter to a person who has applied to him under section 14 by lodging an application in the prescribed form, the prescribed fee and the proofs and consents required under section 14.

### **16                    Rights of holder of licence to slaughter**

A person who is the holder of a licence to slaughter may:

- (a) slaughter animals specified in the licence within the area specified in the licence;
- (b) cut up and take away the carcass, flesh or another product from animals slaughtered by him in accordance with his licence to slaughter; and
- (c) sell pet meat from animals slaughtered by him in accordance with his licence to slaughter to the holder of a licence to process or as is otherwise provided in his licence.

### **17                    Duties of holder of licence to slaughter**

The holder of a licence to slaughter shall:

- (a) comply with the terms and conditions of his licence and with a lawful direction given by an Inspector;

- (b) ensure that each animal slaughtered by him for pet meat is bled, eviscerated and cut up within a prescribed or approved period after killing;
- (c) ensure that the skinning, cutting up, handling and delivery of an animal slaughtered by him for pet meat is effected under the prescribed or approved conditions;
- (d) ensure that a carcass, flesh or another product from an animal slaughtered by him is delivered to a licensed processing place within the prescribed or approved period after cutting up;
- (e) subject to a contrary provision in his licence, ensure that the flesh from an animal slaughtered by him is identified by dyeing or other means, as prescribed, at the time of cutting up of the animal;
- (f) ensure that prescribed containers, chilling and other equipment are used for the storage and transport of a carcass, flesh or another product of an animal slaughtered by him;
- (g) maintain all equipment used by him in the storage and transport of pet meat to the satisfaction of an Inspector;
- (h) ensure to the best of his ability that all pet meat delivered by him or on his behalf to a licensed processing place is fit as pet meat;
- (j) permit an Inspector to inspect, at any time, all equipment used by him for killing and cutting up of animals for pet meat, and for the storage and transport of pet meat, and the records in relation to his operations;
- (k) produce his licence when he is requested by an Inspector to do so;
- (m) keep prescribed records of operations and furnish prescribed returns; and
- (n) subject to a contrary provision in his licence, sell pet meat only to the holder of a licence to process.

## **Part V                    Licence to process**

### **18                    Application for licence to process**

A person may apply for a licence to process by lodging with the Chief Inspector:

- (a) an application in the prescribed form;
- (b) the prescribed fee;
- (c) plans and specifications of the processing place the subject of the application;
- (d) proof that the use of the land as a licensed processing place does not contravene the *Planning Act*, the *Public Health Act* or, in the case of leasehold land, the covenants of the lease;
- (e) in the case of a proposed fixed processing place, proof that the applicant is the owner of the land or has the consent of the owner to use the land for a licensed processing place; and
- (f) in the case of a proposed mobile processing place, proof that the owner of the land where the processing place is sited or is intended to be sited consents to the use of the land for a licensed processing place.

### **19                    Inspection of premises**

- (1) Where an application under section 18 is lodged with him, the Chief Inspector shall cause an Inspector to carry out an inspection of the processing place the subject of the application.
- (2) Where an Inspector carries out an inspection under subsection (1), he shall report his findings to the Chief Inspector.
- (3) Without limiting the generality of the matters to be dealt with by an Inspector in his report under subsection (2), he shall state his opinion as to whether or not:
  - (a) the proposed processing place conforms with the prescribed standards for the type of licensed processing place applied for by the applicant;
  - (b) the proposed processing place conforms with the plans and specifications lodged under section 18(c) by the applicant; and
  - (c) the applicant is a fit and proper person to hold the licence.

**20 Grant of licence to process**

The Chief Inspector may grant and issue a licence to process to a person who has applied to him under section 18 by lodging an application in the prescribed form, the prescribed fee, the plans, proofs and consents required under section 18 and the Chief Inspector has received a report under section 19(2).

**21 Rights of holder of licence to process**

A person who is the holder of a licence to process may:

- (a) process pet meat at the licensed processing place and, to the extent incidental to processing pet meat, may store and pack it at the licensed processing place; and
- (b) purchase and sell pet meat in accordance with this Act or the Regulations.

**22 Duties of holder of licence to process**

The holder of a licence to process shall:

- (a) comply with the terms and conditions of his licence and with a lawful direction given by an Inspector;
- (b) ensure that the licensed processing place is used only for the purposes of, and incidental to, the processing of pet meat;
- (c) maintain the exterior and interior of the licensed processing place and adjacent sewerage and waste disposal facilities to the satisfaction of an Inspector;
- (d) carry out a lawful direction of an Inspector in relation to the condition and operation of the licensed processing place, equipment and facilities;
- (e) permit an Inspector to enter upon and inspect the licensed processing place at any time;
- (f) keep prescribed records of pet meat brought into and received, processed, stored and packed at and dispatched from the licensed processing place and furnish prescribed returns; and
- (g) ensure to the best of his ability that meat bought, received, processed, stored and packed at and dispatched from the licensed processing place is fit as pet meat.

**23 Relocation of mobile processing place**

- (1) A person shall not cause to be relocated a licensed mobile processing place unless the prior written approval of the Chief Inspector is obtained.
- (2) Where the approval of the Chief Inspector is obtained under subsection (1), the holder of the licence to process shall relocate the licensed mobile processing place in accordance with the terms of the approval.

**Part VI Licence to store****24 Application for licence to store**

A person may apply for a licence to store by lodging with the Chief Inspector:

- (a) an application in the prescribed form;
- (b) the prescribed fee;
- (c) plans and specifications of the storing facility the subject of the application;
- (d) proof that the use of the land as a licensed storing facility does not contravene the *Planning Act*, the *Public Health Act* or, in the case of leasehold land, the covenants of the lease; and
- (e) proof that the applicant is the owner of the land or has the consent of the owner to use the land for a licensed storing facility.

**25 Inspection of storing facility**

- (1) Where an application under section 24 is lodged with him, the Chief Inspector shall cause an Inspector to carry out an inspection of the storing facility the subject of the application.
- (2) Where an Inspector carries out an inspection under subsection (1), he shall report his findings to the Chief Inspector.
- (3) Without limiting the generality of the matters to be dealt with by an Inspector in his report under subsection (2), he shall state his opinion as to whether or not:
  - (a) the proposed storing facility conforms with the prescribed standards for licensed storing facilities;

- (b) the proposed storing facility conforms with the plans and specifications lodged under section 24(c) by the applicant; and
- (c) the applicant is a fit and proper person to hold the licence.

## **26 Grant of licence to store**

The Chief Inspector may grant and issue a licence to store to a person who has applied to him under section 24 by lodging an application in the prescribed form, the prescribed fee and the plans and proofs required under section 24 and the Chief Inspector has received a report under section 25(2).

## **27 Rights of holder of licence to store**

A person who is the holder of a licence to store may store pet meat at the licensed storing facility where the pet meat has been processed at a licensed processing place.

## **28 Duties of holder of licence to store**

The holder of a licence to store shall:

- (a) comply with the terms and conditions of his licence and with a lawful direction of an Inspector;
- (b) maintain the exterior and interior of the licensed storing facility to the satisfaction of an Inspector;
- (c) carry out a lawful direction of an Inspector in relation to the condition and operation of the licensed storing facility and its equipment;
- (d) permit an Inspector to enter upon and inspect the licensed storing facility at any time;
- (e) store meat which an Inspector has seized in pursuance of section 11(n) upon the usual terms and conditions of storage; and
- (f) keep prescribed records of pet meat brought into, stored in and dispatched from the licensed storing facility and furnish prescribed returns.



## **Part VII Licences**

### **29 Inquiries regarding applicants**

- (1) Where an application for a licence is lodged with the Chief Inspector, he may conduct such investigations and cause to be conducted such investigations as he thinks fit to determine whether the applicant for a licence is a fit and proper person to hold the licence.
- (2) Where the applicant for a licence is a body corporate the Chief Inspector may conduct such investigations and cause to be conducted such investigations as he thinks fit with respect to:
  - (a) the membership of the body corporate;
  - (b) the management or the proposed management of the body corporate; and
  - (c) the capacity of the body corporate to conduct the business associated with the licence applied for.
- (3) The Chief Inspector may conduct any investigations or cause to be conducted any investigations in relation to a person, who is nominated by a body corporate in its application as the manager of its operations, as he may conduct or cause to be conducted in relation to an applicant for a licence.

### **30 Body corporate as holder of licence**

- (1) Where a body corporate applies for a licence, it shall nominate a person as the manager of its operations.
- (2) Where a body corporate is granted a licence, the person nominated as the manager in accordance with subsection (1), shall be endorsed on the licence as the manager of the operations of the body corporate.
- (3) For the purposes of this Act, a manager shall be deemed to be the holder of the licence upon which his name is endorsed and he shall be liable as the holder of the licence.
- (4) Subject to subsection (5), in addition to a manager under subsection (3), the body corporate and every director and officer of the body corporate may be prosecuted for an offence committed by the manager against this Act or the Regulations.
- (5) The directors and officers of a body corporate shall not be liable in pursuance of subsection (4) where it is proved that the body

corporate had given such directions to the manager and had exercised or caused to be exercised such supervision of that manager, as were reasonably necessary to ensure that the manager did not commit an offence against this Act or the Regulations.

### **31 Form of licence**

- (1) Subject to subsection (3), a licence shall be:
  - (a) in a prescribed form; and
  - (b) subject to such conditions as are prescribed or as are endorsed on the licence.
- (2) Where a condition is prescribed, unless the contrary intention appears, the condition shall apply to a licence whether or not that licence has been issued before or after the date of the prescription of that condition.
- (3) A person may apply for, be granted and be issued with more than one licence.

### **32 Duration of licence**

Subject to the conditions of a licence, a licence shall remain in force:

- (a) where it was granted on or before 30 September in a year – until and including 31 December of that year;
- (b) where it was granted after 30 September in a year – until and including 31 December of the following year;
- (c) until the date it is surrendered under section 36; or
- (d) until the date it is cancelled and notice is served under section 40 on the holder of the licence.

### **33 Variation of licence**

- (1) A person who is the holder of a licence may apply for a variation of his licence by lodging with the Chief Inspector:
  - (a) an application in a prescribed form;
  - (b) the prescribed fee; and
  - (c) any proof or consent which the Chief Inspector may, under subsection (3)(a), require the holder of the licence to lodge.

- (2) Without limiting the generality of the matters which may be the subject of an application for a variation under subsection (1), the holder of a licence may apply for a variation of:
- (a) the name of the manager endorsed on the licence under section 30(3);
  - (b) the conditions subject to which the licence was granted;
  - (c) the animals or area specified in the licence; and
  - (d) the specifications of the licensed processing place or licensed storing facility.
- (3) Where an application under subsection (1) is lodged with the Chief Inspector, he may:
- (a) require the applicant to lodge such proof or consent as he thinks fit; and
  - (b) vary the licence in such manner and upon such terms as he thinks fit.

#### **34 Application for renewal of licence**

A person who is the holder of a licence may apply for a renewal of his licence by lodging with the Chief Inspector:

- (a) an application in the prescribed form; and
- (b) the prescribed fee.

#### **35 Grant of renewal of licence**

Where the Chief Inspector receives an application under section 34 and he is satisfied that in respect of the licence the subject of the application:

- (a) the circumstances under which the licence was granted have not significantly changed;
- (b) the holder of the licence has complied with and has not contravened a condition of the licence; and
- (c) the holder of the licence has not been found guilty of an offence against this Act or the Regulations,

he may grant a renewal of that licence and, for that purpose, shall either issue a new licence or endorse the previously held licence in such manner as he thinks fit.

**36 Surrender of licence**

The holder of a licence may surrender his licence by lodging it with the Chief Inspector and advising the Chief Inspector that he is surrendering the licence.

**37 Transfer of licence**

- (1) Subject to this Act, a licence may be transferred from the holder for the time being of the licence to another person.
- (2) A transfer of a licence does not take effect until the Chief Inspector authorizes the transfer or until such later date as he specifies.

**38 Application for transfer of licence**

- (1) The person to whom it is proposed to transfer a licence shall lodge with the Chief Inspector:
  - (a) an application in the prescribed form; and
  - (b) the prescribed fee.
- (2) An application under subsection (1) shall be treated in the same manner as an original application.

**39 Cancellation and suspension of licence**

- (1) Subject to section 11, the Chief Inspector may cancel or suspend, as he thinks fit, a licence:
  - (a) where the holder of the licence or one of his employees fails to comply with or satisfy a condition of the licence; or
  - (b) where the holder of a licence or one of his employees is found guilty of an offence against this Act or the Regulations.
- (2) Without limiting the generality of subsection (1), the Chief Inspector may cancel or suspend a licence where the licensed processing place or licensed storing facility to which it relates:
  - (a) has been altered without the prior approval of an Inspector;
  - (b) has not been maintained to the satisfaction of an Inspector;
  - (c) has been used for purposes other than those permitted under this Act; or
  - (d) has been used, managed or conducted in a manner contrary to a provision of or under this Act, a condition of the licence or a direction by an Inspector.

**40 Notice of cancellation or suspension**

- (1) Where the Chief Inspector exercises his power to cancel or suspend a licence under section 39, he shall give the holder of the licence notice that he has cancelled or suspended, as the case may be, the licence.
- (2) A notice under subsection (1):
  - (a) may be served by post; and
  - (b) shall take effect from the date of service.

**Part VIII Appeals**

**41 Right of appeal**

A person aggrieved by a decision of the Chief Inspector:

- (a) refusing to grant, renew or vary a licence;
- (b) to grant, renew or vary a licence subject to conditions; or
- (c) to cancel or suspend a licence,

may appeal to the Local Court against the decision.

**42 Form of appeal**

An appeal under section 41 shall:

- (a) be in writing; and
- (b) be made within one month from the date of the decision appealed against.

**43 Determination of appeal**

- (1) The Local Court:
  - (b) has all the powers, duties and functions of the Chief Inspector in relation to the subject-matter of the appeal; and
  - (c) shall determine the appeal by:
    - (i) confirming the decision of the Chief Inspector;
    - (ii) varying the decision of the Chief Inspector in such manner as it thinks fit;

- (iii) substituting its own decision for the decision of the Chief Inspector; or
  - (iv) disallowing the decision of the Chief Inspector.
- (2) A determination under subsection (1)(c) shall take effect on the date specified by the Court in the determination or, if no date is so specified, on the date of that determination.

## **Part IX            Offences**

### **44            Employees not liable**

An employee shall not be liable for an offence against this Act or the Regulations when the act or omission which would otherwise constitute the offence:

- (a) is performed in a reasonable manner for and on behalf of his employer;
- (b) the employer is the holder of a licence which entitles the holder to do the act or make the omission; and
- (c) the employee does not intend an offence against this Act or the Regulations.

### **45            Offence to hinder, &c**

A person shall not:

- (a) hinder, obstruct or assault an Inspector exercising or attempting to exercise his powers, or performing or attempting to perform his functions, under this Act; or
- (b) fail to comply with a lawful direction of an Inspector given under this Act.

### **46            Offence to slaughter without consent of owner**

Notwithstanding that a person is the holder of a licence under this Act, the person shall not slaughter animals for pet meat unless he does so with the written authority of the owner.

### **47            Offence to transport**

No person shall transport a commercial quantity of pet meat unless:

- (a) he carries with him a certificate in the prescribed form in relation to the meat;

- (b) he has complied with the prescribed conditions before transporting the meat; and
- (c) it is kept in a frozen or chilled state and under conditions which ensure that it does not deteriorate during transportation.

**48 Offence to alter place or facility**

The holder of a licence shall not alter a licensed processing place or licensed storing facility unless he has obtained the approval of the Chief Inspector to the alteration by applying for and being granted a variation of the licence.

**49 Offence of failing to identify pet meat**

- (1) Subject to a contrary provision in his licence, a person who is the holder of a licence to slaughter shall ensure that the carcass, flesh or another product derived from an animal slaughtered by him is identified by dyeing or other means, as prescribed, at the time of cutting up of the animal.
- (2) Subject to a contrary provision in his licence, a person who is the holder of a licence to process shall ensure that all pet meat purchased by him:
  - (a) from a person who is the holder of a licence to slaughter; or
  - (b) that is pet meat derived from an animal slaughtered at an abattoir in accordance with the *Abattoirs and Slaughtering Act*,  
is identified by dyeing or other means, as prescribed, as soon as practicable after he has purchased the meat.
- (3) A retailer shall not sell pet meat unless it is identified by dyeing or other means, as prescribed, at the time of sale.

**50 Offence to sell condemned meat**

No person shall sell or intend to sell as pet meat a carcass, flesh or another product derived from an animal where the carcass, flesh or other product has been condemned as unfit for human consumption under the *Abattoirs and Slaughtering Act*.

**51 Offences generally**

- (1) A person shall not contravene or fail to comply with a provision of this Act or the Regulations.

- (2) A person who contravenes or fails to comply with a provision of this Act or the Regulations for which a penalty is not provided by this Act or the Regulations, other than this section, is punishable upon being found guilty by a fine of \$2,000 or imprisonment for one year.

## **52 Continuing offences**

A person who has been found guilty of contravening or failing to comply with a provision of this Act or the Regulations is guilty of a further offence against this Act or the Regulations if the contravention or failure to comply continues after he has been found guilty and upon conviction of the further offence, is punishable by a penalty of \$200 for each day during which the offence continues.

## **52A Regulatory offences**

An offence of contravening or failing to comply with section 17 (other than paragraph (h) or (j), 23, 28 (other than paragraph (b) or (d)), 48, 49(1) (subject to section 30(5)), 49(2) (subject to section 44) or 49(3) is a regulatory offence.

## **Part X Miscellaneous**

### **53 Institution of proceedings**

- (1) An offence against this Act or the Regulations shall be dealt with summarily, and proceedings for such an offence shall not be commenced without the consent in writing of the Chief Inspector.
- (2) Consent under subsection (1) may be proved by the production of a notice in the prescribed form which is purported to be signed by the Chief Inspector.

### **54 Further power of court**

Where the holder of a licence, or one of his employees, is found guilty of an offence against this Act or the Regulations, the court may, in addition to any other penalty imposed upon the licensee or employee, cancel the licence.

### **55 Certificate**

In proceedings for an offence against this Act or the Regulations:

- (a) a certificate of an Inspector that meat was unfit as pet meat;



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- (b) a certificate of an authorized analyst that meat was not identified or dyed in the prescribed manner or was derived from a specified species of animal; or
  - (c) a certificate of the Chief Inspector that:
    - (i) a specified person was or was not, at a specified time, the holder of a licence; or
    - (ii) a specified place or facility was or was not, at a specified time, a licensed processing place or licensed storing facility,

is prima facie evidence of the matter so certified.

## **56 Evidence of intention**

For the purposes of section 5(1), evidence that a person had in his possession or under his control a commercial quantity of pet meat, other than:

- (a) under a licence held by him;
- (b) whilst transporting pet meat as permitted under section 47;
- (c) in pursuance of an exemption under section 4; or
- (d) for the purpose of feeding the meat to his own or his employer's pet,

is prima facie evidence of an intention to sell the pet meat.

## **57 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for and in relation to:

- (a) the fees payable under this Act;
- (b) the standards to be complied with in relation to the capacity, equipment and construction of a licensed processing place and licensed storing facility;
- (c) the cleansing and disinfecting of a licensed processing place and licensed storing facility and the machinery and utensils used in such place or facility, as the case may be;

- (d) the standards to be complied with in relation to vehicles used for transporting pet meat;
- (e) the inspection by an Inspector of the carcasses of animals intended for use as pet meat;
- (f) the quantity of meat which shall be deemed a commercial quantity for the purposes of sections 47 and 56;
- (g) the making or application of tests for the detection of disease in animals intended for use as pet meat and the types of equipment to be used in such tests;
- (h) the maintenance of hygienic conditions in a licensed processing place and licensed storing facility;
- (j) the standards to be complied with in packaging and marking pet meat;
- (k) the exclusion from a licensed processing place of animals included in a specified class of animals;
- (m) the form of applications, licences and certificates under this Act;
- (n) the treatment of meat by dyeing or other means so that it is identified as pet meat;
- (p) records and returns in relation to the operations of the holder of a licence;
- (q) conditions of a licence;
- (r) directions of an Inspector; and
- (s) penalties not exceeding \$2,000 for a breach of the Regulations.

## **Part XI Transitional**

### **58 Transitional**

- (1) Subject to subsection (2), Parts II and IX do not apply in relation to a person who was, immediately before the commencement of this Act, carrying on the business of slaughtering animals for pet meat or processing or storing pet meat, until the expiration of 3 months after the commencement of this Act.

- (2) Where, within a period of 3 months after the commencement of this Act, a person referred to in sub-section (1) applies for a licence, Parts II and IX do not apply in relation to that person until:
- (a) the expiration of one month after the decision of the Chief Inspector in relation to the application for a licence; or
  - (b) if the Chief Inspector has refused the application for a licence and the applicant has appealed to a Local Court against the decision of the Chief Inspector within the time specified in section 42 – the expiration of one month after the determination by the Court of the appeal.
- (3) Where under subsection (1) or (2) a person may carry on the business of slaughtering animals for pet meat or processing or storing pet meat, without being the holder of a licence for that activity, another person may sell pet meat to him or buy pet meat from him, as if the first-mentioned person was the holder of a licence for that activity.
- (4) A provision of this Act or the Regulations that is expressed to apply to and in relation to the holder of a licence applies on and after the commencement of this Act to and in relation to a person who:
- (a) on the day immediately before the commencement of this Act was carrying on the business of slaughtering animals for pet meat, or processing or storing pet meat; and
  - (b) within 3 months after the commencement of this Act, applies for a licence in the period during which, under subsection (2), Parts II and IX do not apply in relation to him,

in the same manner as the provision would have applied in relation to him in that period if he had been granted and issued with such a licence on the commencement of this Act.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Pet Meat Act 1982 (Act No. 11, 1982)***

Assent date	8 April 1982
Commenced	15 April 1983 ( <i>Gaz</i> G15, 15 April 1983, p 3)

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

***Statute Law Revision Act 1986 (Act No. 64, 1986)***

Assent date	19 December 1986
Commenced	19 December 1986

***Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)***

Assent date	5 June 1989
Commenced	1 January 1991 (s 2, s 2 <i>Local Court Act 1989</i> (Act No. 31, 1989) and <i>Gaz</i> G49, 12 December 1990, p 2)

***Pet Meat Amendment Act 1990 (Act No. 4, 1990)***

Assent date	2 April 1990
Commenced	9 May 1990 (s 2, s 2 <i>Stock Diseases Amendment Act 1990</i> (Act No. 2, 1990) and <i>Gaz</i> G18, 9 May 1990, p 5)

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz</i> S53, 29 June 1993)

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date 19 April 1996  
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

**3 LIST OF AMENDMENTS**

s 1 amd No. 58, 1978, s 4  
s 3 amdNo. 4, 1990, s 4  
s 7 amd No. 28, 1993, s 3  
s 9A ins No. 4, 1990, s 5  
s 13 amd No. 28, 1993, s 3  
s 35 amd No. 17, 1996, s 6  
s 39 amd No. 17, 1996, s 6  
s 41 amd No. 14, 1989, s 7  
s 43 amd No. 14, 1989, s 7  
ss 51 – 52 amd No. 17, 1996, s 6  
s 52A ins No. 68, 1983, s 60  
s 53 amd No. 64, 1986, s 4  
s 54 amd No. 17, 1996, s 6