

**NORTHERN TERRITORY OF AUSTRALIA**

**MEAT INDUSTRIES ACT**

As in force at 17 March 2004

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 17 March 2004

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## MEAT INDUSTRIES ACT

**An act to protect public health and promote domestic and export markets for the meat industry by providing for the processing of wholesome meat for human consumption and for related purposes**

### **Part 1 Preliminary**

#### **1 Short title**

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

#### **2 Commencement**

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

#### **3 Objects**

The objects of this Act are:

- (a) to ensure that meat produced for human consumption is wholesome;
- (b) to ensure that pet meat produced for pet food or bait meat, is not substituted for meat produced for human consumption;
- (c) to ensure the humane slaughter of animals for human consumption, pet meat and bait meat; and
- (d) to foster export and domestic markets for meat for human consumption, pet meat and bait meat.

#### **4 Interpretation**

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

***abattoir animal*** means a head of cattle, a sheep, pig, goat, buffalo, deer, horse, donkey, hinny, mule, camel, rabbit, hare, poultry or a crocodile and includes a species or type of animal declared under subsection (2)(a) but does not include a game animal.

**animal** means an abattoir animal, a game animal, an animal slaughtered for pet meat or bait meat, poultry and a bird but does not include a fish or aquatic life.

**approved** means approved by the Chief Inspector in writing.

**approved fee** means a fee approved by the Chief Inspector under section 7.

**bait meat** means meat intended for use as bait.

**by-product** means all of, or part of, an animal, which animal or part of an animal is unfit for human consumption.

**carcass** means the whole dressed body of a slaughtered animal.

**Chief Inspector** means the person appointed as, or for the time being holding the office of, the Chief Inspector of Stock under the *Stock Diseases Act*.

**code of practice** means a code of practice declared under section 72.

**corresponding law** means an Act, or an instrument of a legislative or administrative character made under an Act, in force in a State or another Territory of the Commonwealth, that corresponds as nearly as practicable to this Act, and includes the *Export Control Act 1982* of the Commonwealth and an instrument of a legislative or administrative character made under that Act.

**dressed**, in relation to a slaughtered animal, means dressed as prescribed.

**drover** means a person in charge of stock being travelled in accordance with the *Stock Routes and Travelling Stock Act* or the *Stock Diseases Act*.

**establishment** means a building or land used for the purposes of a licence but does not include a part of an establishment used for administrative or clerical purposes or a shop.

**game animal** means a pig, brumby, donkey or banteng that is not husbanded in the manner of a farmed animal and, where it is slaughtered, is slaughtered in the field and includes a species or type of bird or animal declared under subsection (2)(b) that is not husbanded in the manner of a farmed animal and, where it is slaughtered, is slaughtered in the field.

**game meat** means meat from a game animal.

**identity card** means a card issued under section 10 or a card that is deemed under section 10(3) or 76(4) to be an identity card.

**inspector** means a person who is an inspector under section 9 or under section 76(3).

**licence** means a licence granted under this Act that is in force.

**licensee** means the holder of a licence.

**manager** means a person approved under section 29(3) or 30(3).

**meat for human consumption** means meat intended for human consumption and includes offal that is fit for human consumption, but does not include pet meat or bait meat.

**meat transport vehicle** means the meat-carrying compartment of a vehicle, but does not include a prime mover, if any, to which the vehicle is attached or a cab chassis forming part of the vehicle.

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

**pet meat** means the fresh, chilled or frozen body, carcass, flesh or other product derived from an animal, that is intended to be fed to pets, but does not include a body, carcass, flesh or other meat product, derived from an animal, that is:

- (a) condemned under this Act as unfit for pet food;
- (b) heat sterilised in an hermetically sealed package or heat dried;  
or
- (c) processed, heat treated (but not sterilised), packed and sealed in a manner in respect of which a declaration has been made under subsection (3).

**pet meat processing unit** means a transportable unit designed or intended to process pet meat, that forms part of a vehicle or is designed to be moved with a vehicle.

**poultry** means a domestic fowl, duck, goose, turkey or quail and includes a species or type of bird declared under subsection (2)(c).

**prescribed disease** means a disease declared under subsection (2)(d) or prescribed in the Regulations.

**process**, in relation to meat, means to physically or chemically change meat from the carcass of an animal, but does not include chilling or freezing meat or preparing meat for immediate consumption.

**quality assurance program** means a program approved under section 11 in respect of a licence and includes an amendment to a program.

**register** means a register maintained under section 12.

**relevant conviction**, in relation to a person, means the person has been found guilty of an offence against:

- (a) this Act;
- (b) the repealed Acts; or
- (c) a corresponding law,

for which he or she was imprisoned or fined \$1,000 or more.

**repealed Acts** means the Acts repealed by section 75.

**retailer** means a person who:

- (a) purchases and receives meat at a shop or at a residence used for commercial meat processing within the meaning of section 34 or principally for the purposes of resale from a shop or the residence; and
- (b) from the shop or residence, disposes of meat principally to people who do not intend to re-sell the meat or disposes of meat to people who intend to resell the meat in a cooked or marinated state or for immediate consumption.

**sell** means every method of disposition for valuable consideration and includes:

- (a) barter;
- (b) the disposition to an agent for sale on consignment;
- (c) offering for sale;
- (d) receiving or possessing for sale;
- (e) exposing for sale;
- (f) sending or delivering for sale; and



(g) causing or permitting to be sold, offered, or exposed for sale.

**shop** means a place at which retail trade is carried on.

**standard** means a standard declared under section 72.

**this Act** includes the Regulations and any other instrument of an administrative or legislative character made under this Act.

**vehicle** means a motor vehicle within the meaning of the *Motor Vehicles Act*.

**vessel** includes a ship, boat, hovercraft, raft or pontoon and any other thing capable of carrying persons or goods through or on water.

**wholesaler** means a person who sells meat to a person for the purposes of sale of that meat by that other person.

- (2) The Chief Inspector may, by notice in the *Gazette*, declare:
- (a) a species or type of animal to be an abattoir animal;
  - (b) a species or type of animal to be a game animal;
  - (c) a species or type of bird to be poultry; and
  - (d) a disease to be a prescribed disease.
- (3) The Minister may, by notice in the *Gazette*, declare that a product, derived from an animal, that is intended to be fed to pets and is processed, heat treated, packed and/or sealed in a manner specified in the notice, is not pet meat for the purposes of this Act.
- (4) In this Act, a reference to the *Export Control Act 1982* of the Commonwealth includes a reference to an Act of the Commonwealth in substitution for that Act.
- (5) For the purposes of this Act, a person is not a fit and proper person if:
- (a) the person, or an associate of the person, is not of good repute having regard to character, honesty and integrity;
  - (b) the person, or an associate of the person, has a business association with a person, body or association who or which is not of good repute having regard to character, honesty and integrity; or
  - (c) a director, partner, trustee, executive officer, secretary or any other officer or person who is or is likely to be associated or

connected with the ownership, administration or management of the establishment to which the application relates is not a suitable person to be so associated or connected.

(6) For the purposes of subsection (5), a person (***the associate***) is the associate of another person (***the principal***) if the associate:

(a) holds or will hold a relevant financial interest, or is or will be entitled to participate in:

(i) a directorial, managerial or executive decision; or

(ii) the election of a person to a position within the business (whether in right of the person or on behalf of any other person),

in respect of the operation of an establishment under this Act by the principal, and by virtue of that entitlement is able or would be able to exercise significant influence over or with respect to the management or operation of the establishment;

(b) holds or will hold the position of director, manager, secretary or other executive power whether in right of the associate or on behalf of any other person, in the operation of an establishment under this Act by the principal;

(c) is a spouse, de facto partner, parent, child or sibling of the principal; or

(d) is an agent of the principal.

(7) For the purposes of subsection (6)(a), a relevant financial interest in respect of the operation of an establishment means:

(a) a share in the capital of;

(b) an entitlement to receive income derived from; or

(c) an entitlement to receive payment as a result of money advanced to,

the business operating the establishment.

## **5 Application**

This Act does not apply to or in relation to the slaughter, storage or processing of an animal, including its carcass or its meat or other product, where the animal is:

- (a) slaughtered by a person, on land owned or occupied by the person, for consumption of its meat, principally on that land, by:
  - (i) the person;
  - (ii) other persons who reside with the person;
  - (iii) the person's employees or non-paying guests; or
  - (iv) paying guests, where they are aware that the animal was slaughtered on the property and where they are not guests at a shop, roadhouse or other similar premises; or
- (b) slaughtered by a drover for consumption of its meat principally by:
  - (i) the drover;
  - (ii) members of the drover's family accompanying the drover; or
  - (iii) the drover's employees engaged on the drive or the drover's guests,

if the person or drover does not sell the carcass, meat or another product of the animal (other than its hide or horns) other than to an employee, whether as part of the employee's contract of employment or otherwise.

## **6 Permit to slaughter**

- (1) A person may apply to the Chief Inspector for a permit to slaughter an animal for religious purposes.
- (2) The Chief Inspector may, on the application of a person and the payment of the approved fee, if any, permit the slaughter of an animal for religious purposes on such conditions as the Chief Inspector thinks fit and specifies on the permit document.
- (3) A person granted a permit under subsection (1) is, in relation to actions performed under the permit, exempted from the application of the provisions of this Act specified on the permit document.

## **Part 2 Administration**

### **7 Chief Inspector may approve fees**

The Chief Inspector may, by notice in the *Gazette*, approve a fee that is payable under this Act.

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

- (1) The Chief Inspector may, by instrument in writing, delegate to a person, or to a person holding, acting in or performing the duties of an office, any of his or her 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 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 Meat inspectors**

- (1) The Chief Inspector may appoint a person to be an inspector for the purposes of this Act.
- (2) A person appointed under subsection (1) may resign office by writing signed by him or her and delivered to the Chief Inspector.
- (3) Every member of the Police Force is an inspector for the purposes of this Act.
- (4) Every authorised person within the meaning of the *Export Control Act 1982* of the Commonwealth is an inspector for the purposes of this Act.

### **10 Identity cards**

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

- (3) An identity card issued under:
- (a) the *Export Control Act 1982* of the Commonwealth to an authorised person within the meaning of that Act; or
  - (b) the *Stock Diseases Act*,
- shall be deemed to be an identity card issued under this Act.
- (4) The holder of an identity card, other than an identity card referred to in subsection (3), shall, as soon as practicable after ceasing to be an inspector, return the card to:
- (a) where the Minister issued the card – the Minister; or
  - (b) in any other case – the Chief Inspector.

Penalty: 10 penalty units.

## **11 Quality assurance programs**

- (1) The holder of a licence or an applicant for a licence may apply to the Chief Inspector for approval of a draft quality assurance program, being an instrument specifying:
- (a) procedures to be followed, in relation to a licence under this Act, for:
    - (i) the slaughtering, packaging, processing, dispatch and/or importation into an establishment of meat for human consumption; or
    - (ii) the production of pet meat or bait meat; and
  - (b) other matters connected with procedures to be performed under a licence or otherwise in relation to a licence.
- (2) A licensee or an applicant for a licence may request assistance in the preparation and development of a draft quality assurance program and, on payment of the approved fee, the Chief Inspector, or a person approved for the purpose, may comply with the request.
- (3) Where the Chief Inspector is satisfied that the procedures set out in a draft quality assurance program may be performed under the program in accordance with this Act, he or she may, by written notice, approve the quality assurance program in relation to a licence or a proposed licence.

## **12 Registers**

The Chief Inspector shall cause to be maintained a register containing:

- (a) the names and addresses of licensees;
- (b) details of the grant, renewal, variation or transfer of licences;
- (c) details of the expiry, suspension or cancellation of licences;
- (d) the numbers assigned to licences under section 19(7);
- (e) records of the design of stamps authorised under section 45;
- (f) details of the areas in which pet meat processing units are operating or in which operations under game meat slaughter licences, pet meat slaughter licences or bait meat licences are being carried out; and
- (g) such other information as the Chief Inspector thinks fit.

## **Part 3 Licences**

### **Division 1 Applications**

#### **13 Applications for licences**

- (1) A person may apply in the approved form accompanied by the approved fee to the Chief Inspector for the grant of:
  - (a) a domestic abattoir licence;
  - (b) an export abattoir licence;
  - (c) a domestic poultry abattoir licence;
  - (d) an export poultry abattoir licence;
  - (e) a domestic processing licence;
  - (f) an export processing licence;
  - (g) a domestic game meat processing licence;
  - (h) an export game meat processing licence;
  - (j) a pet meat processing licence or a pet meat processing (transportable) licence; or

- (k) a cold store licence.
- (2) A natural person may apply in the approved form accompanied by the approved fee to the Chief Inspector for the grant of:
  - (a) a pet meat slaughter licence;
  - (b) a game meat slaughter licence; or
  - (c) a bait meat licence permitting the slaughter of animals for bait meat and the processing, storage and sale of bait meat.
- (3) An application under subsection (2) shall:
  - (a) specify each area of land in which it is intended to slaughter animals or game animals under the licence; and
  - (b) contain proof of the permission of the owner of each area of land to the slaughter of animals or game animals by the applicant.
- (4) The Chief Inspector may request further information in respect of an application under this section and may refuse to grant a licence until the information is provided.
- (5) A person may apply for and be granted a licence in respect of more than one location for an establishment, but each location shall be the subject of a separate notice as required by section 16 and, if the application is successful, a separate licence.

**14 Applications relating to establishment in area subject to development provisions or interim development control order**

An application under section 13 in respect of an existing establishment located in an area of land subject to the development provisions, or an interim development control order, under the *Planning Act*, or a proposed establishment proposed to be located in such an area, shall be accompanied by proof that:

- (a) the land may, under the *Planning Act*, be used or developed for the purposes of an establishment; and
- (b) the relevant notice has been published under section 16 not less than 30 days and not more than 90 days before the application is made.

**15 Applications relating to establishment in area not subject to development provisions or interim development control order**

- (1) An application under section 13 in respect of an existing establishment located in an area of land not subject to the development provisions, or an interim development control order, under the *Planning Act* shall be accompanied by proof that the relevant notice has been published under section 16 not less than 30 days and not more than 90 days before the application is made.
- (2) An application for a licence in respect of a proposed establishment proposed to be located in an area of land not subject to the development provisions, or an interim development control order, under the *Planning Act* shall be accompanied by proof that:
  - (a) the relevant requirements of the *Environmental Assessment Act* and the *Civil Aviation Act 1988* of the Commonwealth have been or will be satisfied; and
  - (b) the relevant notice has been published under section 16 not less than 30 days and not more than 90 days before the application is made.

**16 Advertisements in relation to establishments**

- (1) A person who proposes to apply for a licence in respect of a proposed establishment shall publish in a newspaper circulating in the area in which it is proposed to locate the establishment a notice stating:
  - (a) the type of licence to be applied for;
  - (b) the proposed site of the establishment;
  - (c) the name of the person;
  - (d) that a person may lodge with the Chief Inspector, within 14 days after the publication of the notice, an objection to the proposed application on the grounds that the proposed site is not a suitable site for the establishment; and
  - (e) such matters, if any, as are prescribed.
- (2) A person who proposes to apply for a licence in respect of an existing establishment:
  - (a) in relation to which a licence under this or one of the repealed Acts has not been in force within the 2 year period immediately before the application; or



- (b) being a licence (including a licence granted under one of the repealed Acts) of a type not previously granted to the applicant in respect of the establishment,

shall publish in a newspaper circulating in the area in which the establishment is located, a notice stating:

- (c) the type of licence to be applied for;
- (d) the site of the establishment;
- (e) the name of the person;
- (f) that a person may lodge with the Chief Inspector within 14 days after the publication of the notice an objection to the proposed application for a licence on the grounds that the proposed site is not, or is no longer, a suitable site for the location of the establishment to be operated under a licence of the type applied for; and
- (g) such matters, if any, as are prescribed.

## **Division 2 Objections and investigations**

### **17 Objections to proposed applications**

- (1) A person may, not later than 14 days after the publication of a notice under section 16, lodge with the Chief Inspector a written objection to a proposed application for a licence, stating the reasons for the objection.
- (2) The Chief Inspector shall, within 90 days after receiving an objection under subsection (1), make such investigations in relation to the objection as he or she thinks fit.
- (3) The Chief Inspector may call for and conduct a public meeting, in such manner as he or she thinks fit, to consider the objection under subsection (2).

### **18 Investigations regarding applicants**

The Chief Inspector may, within 90 days after receiving an application for a licence, conduct, or cause to be conducted, such investigations as he or she thinks fit to determine whether an applicant for a licence:

- (a) is a fit and proper person; or
- (b) has a relevant conviction.

## **Division 3 Grant of licences**

### **19 Chief Inspector may grant licences**

- (1) The Chief Inspector may, on payment of the approved fee by an applicant, grant a licence in the approved form.
- (2) The Chief Inspector shall not grant a licence unless satisfied that the applicant and the person nominated under section 29, if any, is a fit and proper person and does not have a relevant conviction.
- (3) The Chief Inspector shall only grant a licence in respect of an establishment if:
  - (a) more than 30 days have elapsed since the publication of the notice required to be published under section 16; and
  - (b) he or she has considered the objections, if any, under section 17.
- (4) The Chief Inspector shall only grant:
  - (a) an export abattoir licence;
  - (b) an export poultry abattoir licence;
  - (c) an export processing licence; or
  - (d) an export game meat processing licence,if he or she is satisfied that the establishment is constructed in accordance with the requirements applicable to the establishment under the *Export Control Act 1982* of the Commonwealth.
- (5) The Chief Inspector shall only grant:
  - (a) a domestic abattoir licence;
  - (b) a domestic poultry abattoir licence;
  - (c) a domestic processing licence;
  - (d) a domestic game meat processing licence; or
  - (e) a pet meat processing licence,if he or she is satisfied the establishment to be used under the licence:
  - (f) is constructed in accordance with the Regulations, if any, relating to the construction of establishments;

- (g) where a standard or code of practice relating to the construction of an establishment is to be specified on the licence – is constructed in accordance with that standard or code; or
  - (h) where there are no Regulations relating to such an establishment and no standard or code of practice relating to the construction of an establishment is to be specified on the licence, it is constructed:
    - (i) in the case of a domestic abattoir licence or a domestic poultry abattoir licence – so as to permit hygienic and humane slaughter and processing under the licence; or
    - (ii) in the case of a domestic processing licence, a domestic game meat processing licence or a pet meat processing licence – so as to permit hygienic processing under the licence.
- (6) The Chief Inspector shall not grant a pet meat processing (transportable) licence unless an inspector:
- (a) has inspected the pet meat processing unit at the site at which it is proposed to locate the unit; and
  - (b) is satisfied that the pet meat processing unit will permit the hygienic processing of pet meat.
- (7) The Chief Inspector shall assign a number to each licence granted under this section and record the number in a register.

## **20 Conditions of licences**

A licence is subject to:

- (a) the prescribed conditions, if any; and
- (b) such other conditions the Chief Inspector thinks fit and specifies on the licence document, including, but not limited to:
  - (i) the species that may be slaughtered, or the species from which meat may be processed, packed or stored, for sale;
  - (ii) whether the operations at an establishment shall only be performed in accordance with a quality assurance program approved in relation to the licence;

- (iii) in the case of a game meat slaughter licence, pet meat slaughter licence or bait meat licence – the areas from which animals to be slaughtered may be obtained; or
- (iv) a standard or code of practice in accordance with which an establishment shall be constructed, or operations shall be carried out, under the licence.

## **21 Trial slaughter before grant of licence**

- (1) The Chief Inspector may require an applicant for a licence of a kind referred to in section 13(1)(a), (b), (c) or (d) to slaughter an animal in the establishment to which the licence relates under and in accordance with the directions of the Chief Inspector.
- (2) The Chief Inspector may refuse to grant a licence until a slaughter referred to in subsection (1) is completed to the satisfaction of the Chief Inspector.

## **Division 4 Renewal, &c., of licences**

### **22 Duration of licence**

- (1) Subject to this Act, a licence remains in force:
  - (a) for one licensing year; or
  - (b) such number of licensing years, being not more than 5, as the Chief Inspector thinks fit and specifies on the licence.
- (2) A licensing year in relation to a licence commences on the date on which the licence is granted or renewed and continues until:
  - (a) 30 June of the next following calendar year; or
  - (b) where the licence is granted or renewed for more than one licensing year – 30 June of the last licensing year specified on the licence.

### **23 Renewal of licence**

- (1) A licensee may, not earlier than 3 months before the expiration of his or her licence, apply to the Chief Inspector for a renewal of the licence.
- (2) An application under subsection (1) shall be:
  - (a) in the approved form; and
  - (b) accompanied by the approved application fee.

- (3) The Chief Inspector:
- (a) may, notwithstanding that a licence has expired, renew the licence if the application is received before one month after the expiry of the licence, on payment of the approved application fee and the approved late fee; and
  - (b) shall not renew a licence where the application is made more than one month after the licence has expired.
- (4) The Chief Inspector may renew a licence where he or she is satisfied that:
- (a) the circumstances in which the licence was granted have not altered so significantly as to warrant a refusal to renew the licence; and
  - (b) the licensee:
    - (i) has complied with and has not contravened the conditions of the licence; and
    - (ii) does not have a relevant conviction.
- (5) Where the Chief Inspector renews a licence he or she may issue a new licence document or endorse the previously issued licence accordingly.

## **24 Variation of licence**

- (1) A licensee may apply to the Chief Inspector to vary his or her licence.
- (2) An application under subsection (1) shall be:
- (a) in the approved form;
  - (b) accompanied by the approved fee; and
  - (c) accompanied by such proof or consent, if any, as the Chief Inspector requires in relation to the variation.
- (3) A licensee may apply for a variation of his or her licence, including a variation of:
- (a) the conditions subject to which the licence was granted; and
  - (b) the plans or specifications of the establishment to which the licence relates.

- (4) The Chief Inspector may, on application under subsection (1), vary the licence in such manner and on such conditions as he or she thinks fit and specifies on the licence.
- (5) A condition of a game meat slaughter licence, pet meat slaughter licence or bait meat licence in relation to the area in which the licensee may slaughter an animal shall be deemed to be varied if:
  - (a) slaughter of animals under the licence in another area of land is permitted by the owner of the other area of land; and
  - (b) the licensee notifies the Chief Inspector within 7 days after commencing the slaughter of animals in the other area.

## **25 Amendment and revocation of condition of licence**

- (1) The Chief Inspector may, from time to time, by written notice to a licensee, amend or revoke a condition of the licence or include a new condition on the licence.
- (2) Where a licensee receives written notice under subsection (1) and the Chief Inspector requests the return of the licence, the licensee shall return the licence to the Chief Inspector as soon as practicable.
- (3) Where a licence is returned under subsection (2) the Chief Inspector may issue a substitute licence document containing new or amended conditions or mark the new or amended conditions on the licence returned.

## **26 Transfer of licence**

- (1) Subject to this section:
  - (a) a licensee;
  - (b) where a licensee is no longer entitled to possession of the establishment to which the licence relates – the person entitled to possession; or
  - (c) the executor or administrator of the estate of a deceased licensee,may apply to the Chief Inspector to transfer the licence to another person.
- (2) A game meat slaughter licence, pet meat slaughter licence or bait meat licence is not transferable.

- (3) An application under subsection (1) shall be:
- (a) in the approved form; and
  - (b) accompanied by:
    - (i) proof that the person to whom the licence is to be transferred agrees to the proposed transfer; and
    - (ii) the approved fee.
- (4) The Chief Inspector may, in relation to:
- (a) the person to whom the applicant proposes to transfer the licence – exercise his or her powers under section 18; and
  - (b) a manager, if any, nominated by the applicant – exercise his or her powers under section 29,
- as if the application to transfer were an application under section 13.
- (5) The Chief Inspector may, by notice in writing to the applicant, approve or refuse to approve the transfer of a licence.
- (6) A transfer of a licence takes effect from the date the Chief Inspector approves the transfer or such later date as the Chief Inspector specifies in the approval.

## **27 Cancellation and suspension of licence, &c.**

- (1) The Chief Inspector may, by notice in writing to a licensee, suspend for a period or cancel the licence where:
- (a) the licensee or his or her employee or agent:
    - (i) contravenes or fails to comply with a condition of the licence;
    - (ii) has a relevant conviction; or
    - (iii) provides information to an inspector in an application under this Act, that was false or misleading in a material particular; or
  - (b) the establishment to which the licence relates:
    - (i) is significantly altered without the approval of an inspector;

- (ii) is not maintained, repaired or altered as required by or under this Act; or
  - (iii) is used for a purpose that is not permitted by or under this Act.
- (2) The Chief Inspector may suspend a licence until a fault in the construction or operation of the establishment to which the notice of suspension relates is rectified.
- (3) An inspector may, by oral instruction to the licensee or another person apparently in charge of the operation, suspend the licence for a period not exceeding 24 hours where an establishment operated under the licence:
  - (a) is significantly altered without the approval of an inspector;
  - (b) is not maintained, repaired or altered as required by or under this Act;
  - (c) is not maintained or operated in accordance with the hygiene requirements prescribed or in accordance with the quality assurance program, if any, approved in respect of the licence; or
  - (d) is used for a purpose not permitted by or under this Act.

## **28 Surrender of licence**

A licensee may surrender the licence by lodging it with the Chief Inspector.

## **Part 4 Managers and supervision of operations under licence**

### **29 Nomination of manager in application**

- (1) Where an application is made under section 13 by:
  - (a) a corporation; or
  - (b) a natural person who does not intend to carry out the day to day management of operations under the licence,the applicant shall nominate a natural person to be the manager.



- (2) The Chief Inspector may, within 90 days after receiving a nomination, conduct, or cause to be conducted, such investigations as he or she thinks fit to determine whether a person nominated under subsection (1):
  - (a) is a fit and proper person; or
  - (b) has a relevant conviction.
- (3) The Chief Inspector may, where he or she is of the opinion that the person nominated under subsection (1):
  - (a) is a fit and proper person and has no relevant convictions – approve the nomination and provide written notice of the approval to the applicant; or
  - (b) is not a fit and proper person or has a relevant conviction – refuse to approve the nomination and provide written notice of the decision to the applicant.
- (4) Where the Chief Inspector refuses to approve a nomination under subsection (3)(b), the applicant shall nominate another person to be manager, and this section shall apply as if the person were a person nominated under subsection (1).

### **30 Nomination of manager after grant of licence**

- (1) Where:
  - (a) a person ceases to be a manager – the licensee, within 14 days; or
  - (b) the licensee wishes to nominate a manager – the licensee,may nominate to the Chief Inspector a person to be the manager in respect of the licence.
- (2) Where a person has been nominated under subsection (1), the Chief Inspector may, not later than 90 days after receiving the nomination, conduct or cause to be conducted such investigations as he or she thinks fit to determine whether the person is a fit and proper person and has no relevant convictions.
- (3) The Chief Inspector may, where he or she is of the opinion that the person nominated to be manager under subsection (1):
  - (a) is a fit and proper person and has no relevant convictions – approve the nomination and provide written notice of the approval to the licensee; or

- (b) is not a fit and proper person or has a relevant conviction – refuse to approve the nomination and provide written notice to the licensee accordingly.

**31            Supervision of operations under licences**

A licensee shall not permit operations to take place at the establishment to which the licence relates unless the operations are supervised by:

- (a) the licensee; or
- (b) the manager.

**32            Where manager, &c. ceases to be fit and proper person, &c.**

Where the Chief Inspector is of the opinion, on reasonable grounds, that a person has ceased to be a fit and proper person or has a relevant conviction, the Chief Inspector shall notify, in writing, the licensee that:

- (a) operations under the licence may no longer be carried out under the supervision of the person; and
- (b) another person is required, on and from the date specified in the notice, to be nominated as a manager in accordance with section 30.

**Part 5            Offences**

**Division 1        Slaughter, processing and sale of meat for human consumption**

**33            Sale of meat for human consumption**

A person shall not sell meat for human consumption:

- (a) except under a licence, or a licence or other instrument under a corresponding law, permitting the sale of the meat;
- (b) unless he or she is a retailer or wholesaler and the meat was obtained from the holder of a licence, or the holder of a licence or other instrument under a corresponding law, permitting the sale of the meat; or

- (c) unless he or she is a retailer or wholesaler and the meat was obtained from a retailer or the holder of a licence and was sold for immediate consumption in a cooked or marinated state.

Penalty: 500 penalty units.

### 34 Slaughter and processing of meat for human consumption

- (1) A person shall not:

- (a) slaughter an animal; or
- (b) dress the body of an animal,

for its sale as meat for human consumption except in accordance with this Act.

Penalty: 500 penalty units.

- (2) A person shall not process meat for human consumption that is to be sold:

- (a) except under a licence;
- (b) unless the person is a retailer and the meat is obtained from the holder of a licence, or the holder of a licence or other instrument under a corresponding law, permitting the sale of such meat and the meat is processed at a shop or at a residence used for commercial meat processing; or
- (c) unless he or she obtained the meat from a retailer or the holder of a licence and the meat was sold for immediate consumption in a cooked or marinated state.

Penalty: 500 penalty units.

- (3) A person shall not slaughter an animal for game meat except with the written authority of the person on whose land the animal is slaughtered.

- (4) For the purposes of subsection (2), **residence used for commercial meat processing** means a residence where:

- (a) meat is processed only by the residents in the residence;
- (b) the floor area used for processing, whether temporarily or permanently, does not exceed 30 square metres;
- (c) no advertising sign is displayed other than one that is not more than 0.3 square metres in size that identifies the name and occupation of the processor;

- (d) meat or meat products are not displayed in a window or about the residence and its site; and
- (e) no more than one goods vehicle, within the meaning of the *Motor Vehicles Act*, is at any one time present on the land on which the residence is situated.

**35            Presumption as to whether meat intended for human consumption**

It is conclusive evidence that meat or a meat product was intended for human consumption if:

- (a) the meat is not dyed blue or green; or
- (b) the meat is not labelled, or is not otherwise identified, as not fit for human consumption.

**Division 2            Pet meat**

**36            Sale of pet meat**

- (1) A person shall not sell pet meat except:
  - (a) under a licence, or a licence or other instrument granted under a corresponding law, that permits the sale of pet meat; or
  - (b) if he or she is a retailer or wholesaler of pet meat and has purchased the pet meat from the holder of a licence, or a licence or other instrument granted under a corresponding law, that permits the processing of meat for human consumption or pet meat.

Penalty:        500 penalty units.

- (2) Subject to subsection (4), a person shall not sell pet meat unless it is:
  - (a) dyed blue in the prescribed manner;
  - (b) labelled in the prescribed manner; and
  - (c) to the satisfaction of the Chief Inspector, kept separate from meat for human consumption.

Penalty:        500 penalty units.

- (3) A person may apply in writing to the Chief Inspector for an exemption from subsection (2)(a).

- (4) The Chief Inspector may, by written notice, exempt a person from subsection (2)(a) on such conditions as the Chief Inspector thinks fit and specifies in the notice.

### **37            Slaughter and processing of pet meat**

- (1) A person shall not slaughter an animal for pet meat unless:
- (a) he or she does so under a licence permitting the slaughter of such an animal for pet meat; or
  - (b) the body, meat or meat product derived from the animal is not intended for sale.

Penalty:        500 penalty units.

- (2) A person shall not process pet meat for sale except at an establishment operated under a licence permitting the processing of pet meat for sale, but may, at a retail outlet, process meat suitable for human consumption for sale as pet meat.

Penalty:        500 penalty units.

- (3) A person shall not slaughter an animal for pet meat except with the written authority of the owner, if any, of the animal.

Penalty:        100 penalty units.

### **38            Purchase of pet meat**

A person shall not purchase pet meat unless:

- (a) he or she is the holder of a licence permitting the processing of pet meat and the pet meat is:
  - (i) purchased under the licence from a person who is the holder of a licence, or the holder of a licence or other instrument under a corresponding law, permitting the sale of pet meat; and
  - (ii) dyed blue as prescribed, unless the licensee from whom the meat is purchased is exempted from this requirement under section 36(4) and the person purchasing the pet meat has sighted the certificate of exemption;

- (b) he or she (***the vendor***) is a retailer of pet meat and sells pet meat to a person other than for resale by that person, or is a wholesaler of meat, and the pet meat:
  - (i) is purchased by the vendor from the holder of a licence, or a licence or other instrument granted under a corresponding law, permitting the sale of pet meat; and
  - (ii) is dyed blue as prescribed, unless the licensee from whom the meat is purchased is exempted from this requirement under section 36(4) and the vendor has sighted the certificate of exemption;
- (c) it is not purchased for the purpose of resale; or
- (d) it is not resold.

Penalty:        500 penalty units.

### **39            Transport of pet meat**

A person shall not transport pet meat for sale unless the meat:

- (a) is accompanied by an approved certificate;
- (b) is derived from an animal that has been slaughtered under a licence, or a licence or other instrument under a corresponding law; and
- (c) is kept under conditions which ensure it does not deteriorate during transportation.

Penalty:        200 penalty units.

## **Division 2A      Bait meat**

### **40A          Sale of bait meat**

- (1) A person must not sell bait meat unless:
  - (a) he or she is selling bait meat under a licence, or a licence or other instrument granted under a corresponding law, that permits the sale of meat for human consumption, pet meat or bait meat; or

- (b) he or she is selling bait meat that he or she received from the holder of a licence, or a licence or other instrument granted under a corresponding law, that permits the processing of meat for human consumption, pet meat or bait meat.

Penalty:        500 penalty units.

- (2) A person must not sell bait meat unless it is:
  - (a) dyed green in the prescribed manner;
  - (b) labelled in the prescribed manner, if any; and
  - (c) kept separate from meat for human consumption and pet meat in an approved manner.

Penalty:        500 penalty units.

#### **40B        Slaughter and processing of bait meat**

- (1) A person must not slaughter an animal for bait meat unless:
  - (a) he or she does so under a licence permitting the slaughter of the animal for bait meat; or
  - (b) the body, meat or meat product derived from the animal is not intended for sale.

Penalty:        500 penalty units.

- (2) A person must not slaughter an animal for bait meat except with the written authority of the owner, if any, of the animal.

Penalty:        100 penalty units.

- (3) A person must not process bait meat for sale except under a licence permitting the processing of meat for sale.

Penalty:        500 penalty units.

#### **40C        Transport of bait meat**

A person must not transport bait meat for sale unless the meat is derived from an animal that has been slaughtered under a licence or a licence or other instrument under a corresponding law.

Penalty:        200 penalty units.

### **Division 3            Disease and contamination**

#### **40            Slaughter of diseased or contaminated animals**

(1) A person shall not slaughter for sale an animal that he or she knows, or ought reasonably be expected to know, is in a condition, whether because of disease or contamination, including by chemical residues, that its meat is likely to be:

- (a) unfit for human consumption;
- (b) where it is slaughtered under a licence permitting slaughter for pet meat – unfit for pet meat; or
- (c) if it is slaughtered under a licence permitting slaughter for bait meat – unfit for bait meat,

except in accordance with this Act.

Penalty:        500 penalty units.

(2) Where an inspector is of the opinion that an animal at an establishment is in such a condition that its meat is likely to be, on health grounds, unfit for human consumption, he or she may:

- (a) direct the licensee or the manager to remove the animal to a specified place; or
- (b) where satisfied that the animal may be destroyed at the establishment without danger to public health and without affecting the wholesomeness of meat at the establishment, direct the licensee to destroy and dispose of the carcass or part of the destroyed animal in accordance with the inspector's directions.

#### **41            Birdsville Horse Disease**

(1) A person shall not slaughter a horse, donkey, mule or hinny for human consumption if it exhibits signs of being affected by Birdsville Horse Disease.

Penalty:        200 penalty units.

(2) A person shall not slaughter a horse, donkey, mule or hinny for pet food if he or she knows, or has reason to suspect, it has been in an area in which Birdsville Horse Disease occurs.

Penalty:        200 penalty units.



**42            Persons with disease**

- (1) A person who has reason to believe that he or she is infected with, or affected by, a prescribed disease, shall not enter, or remain at, an establishment from which meat for human consumption is dispatched.

Penalty:        200 penalty units.

- (2) A holder of a licence permitting the dispatch of meat for human consumption who has reason to believe that a person is infected with, or affected by, a prescribed disease, shall not permit the person to enter, or remain at, the establishment operated under the licence.

Penalty:        200 penalty units.

**Division 4            Miscellaneous**

**43            Inspector not to receive gifts of meat**

- (1) An inspector shall not receive meat from a person who holds a licence or who is applying for a licence, unless the inspector:
- (a) has paid the retail price for the meat or the price at which the meat is usually sold to employees of the person; and
  - (b) is issued with a receipt indicating the amount, type and price of the meat sold to him or her.
- (2) Subsection (1) does not apply where the meat is received as part of a meal for immediate consumption by the inspector.

Penalty:        \$20,000.

**44            Person not to alter, &c., establishment**

A person shall not alter, repair or modify an establishment to which a licence relates or equipment at such an establishment, if to do so would, in the opinion of the Chief Inspector, significantly alter the establishment or equipment, except under:

- (a) the licence; or
- (b) the directions of an inspector who is not a member of the Police Force.

Penalty:        100 penalty units.

**45            Copying or use of stamp**

- (1) The Chief Inspector may, by notice in writing, authorise a stamp for use by a person for the purposes of this Act.
- (2) A person shall not, without the authority of the Chief Inspector:
- (a) manufacture, possess, apply, alter, copy or remove; or
  - (b) manufacture or possess a device for stamping,
- a stamp authorised by the Chief Inspector or for use by another person who is the holder of a licence.

Penalty:        500 penalty units.

- (3) A person shall not manufacture, possess or apply a stamp that is not authorised by the Chief Inspector but resembles, or is apparently intended to resemble or pass for, such a stamp.

Penalty:        500 penalty units.

**46            Falsely identifying meat**

- (1) A person shall not sell meat for human consumption, pet meat or bait meat with intent to deceive the buyer as to the true identity of the meat.

Penalty:        500 penalty units.

- (2) A person shall not incorrectly label meat for human consumption, pet meat or bait meat that is intended for sale.

Penalty:        200 penalty units.

**47            Restrictions on slaughter**

- (1) In this section, ***withholding period*** means the period, if any, specified by the manufacturer of a chemical for use in animals as the period during which the residue of the chemical in the animal will be, or is likely to be, above the approved standard, for a residue of that chemical, published under section 7A of the *Agricultural and Veterinary Chemicals (Administration) Act 1994* of the Commonwealth.

- (2) A person:

- (a) who has administered a chemical to an animal; or
- (b) to whom a written notice under this subsection is given as a purchaser of such an animal,

shall not consign the animal for slaughter, or for sale for slaughter, before the expiration of the withholding period in respect of the chemical unless the purchaser is provided with written notice:

- (c) of the chemical administered;
- (d) that the withholding period for the chemical administered has not expired; and
- (e) of the date on which the withholding period will expire.

Penalty:        500 penalty units.

- (3) Subject to subsection (2), a person shall not sell, or slaughter, for human consumption an animal that he or she knows, or ought reasonably be expected to know, contains, before slaughter, shotgun pellets, bullets or bullet fragments or which contains other material which make it unsuitable for human consumption.

Penalty:        500 penalty units.

#### **48            Disposal of condemned meat**

- (1) A person having possession of meat condemned as unfit for human consumption or unfit for pet meat shall:
  - (a) process it into by-products; or
  - (b) dispose of it in accordance with this Act or the directions of an inspector.

Penalty:        100 penalty units.

- (2) A person shall not sell as fit for human consumption a body, carcass, meat or other product derived from an animal, where the body, carcass, meat or other product:
  - (a) has been condemned by an inspector as unfit for human consumption;
  - (b) is not fit for human consumption under the quality assurance program, if any, approved in respect of the licence under which the body, carcass, meat or other product was processed; or
  - (c) is not fit for human consumption.

Penalty:        500 penalty units.

- (3) A person shall not sell as pet meat a product derived from an animal, where the product:
- (a) has been condemned by an inspector as unfit for pet food;
  - (b) is not fit for consumption by pets under the quality assurance program, if any, approved in respect of the licence under which the body, carcass, meat, pet meat or other product was processed; or
  - (c) is not fit for consumption by pets.

Penalty:        200 penalty units.

**49            Evidence of possession for sale**

The holder of a licence is deemed to have knowledge of the presence of meat, pet meat or bait meat:

- (a) at the establishment to which the licence relates or at another building or structure related to or being used for the purposes of the licence; or
  - (b) in a vessel, or vehicle, belonging to the licensee,
- and to have possession for sale of the meat.

**50            Refrigeration of meat, or storage of refrigerated meat, for sale**

A person shall not refrigerate meat for sale or store refrigerated meat for sale, except if he or she does so:

- (a) at a shop or for or on behalf of a retailer;
- (b) under a licence permitting the refrigeration or storage of refrigerated meat; or
- (c) at premises registered under the *Export Control Act 1982* of the Commonwealth.

Penalty:        200 penalty units.

**51            Hindering inspectors, &c.**

- (1) A person shall not:
- (a) hinder, obstruct or assault an inspector exercising the inspector's powers or performing the inspector's functions under this Act;

- (b) use threatening language or behave in a threatening manner towards an inspector exercising a power or performing a function under this Act or a person assisting the inspector to do so;
- (c) fail to comply with a lawful direction of an inspector given under this Act;
- (d) provide to an inspector information which is false or misleading in a material particular;
- (e) when required by an inspector to do so, refuse or fail to produce to the inspector a record that the person is required by or under this Act to keep;
- (f) when required by an inspector to do so, refuse or fail to produce a body, carcass, meat, pet meat, offal not fit for human consumption, skin, hide or feathers, being an object that the person is required to produce by or under this Act; or
- (g) impersonate or falsely claim to be an inspector or a person assisting an inspector.

Penalty:        200 penalty units.

- (2) For the purposes of subsection (1), a person who refuses to allow an inspector or a person lawfully assisting an inspector to exercise a power conferred or perform a function imposed on an inspector by or under this Act shall be deemed to be obstructing the inspector or person.

## **52            Movement of stock from establishment**

A person shall not move from an establishment an animal permitted to be slaughtered at the establishment except with an inspector's permission.

Penalty:        200 penalty units.

## **53            Transportation of meat**

- (1) A person shall not transport meat for human consumption for sale:
  - (a) to or from an establishment to which a licence relates; or
  - (b) in the case of a game animal – to or from an establishment to which a licence relates, or from the place where it is slaughtered,

unless:

- (c) it has been produced under this Act or a corresponding law;
- (d) it is stamped, labelled and packed in the prescribed manner, if any; and
- (e) it is transported in accordance with the Regulations.

Penalty:        200 penalty units.

- (2) Where an animal was sold to a purchaser and then slaughtered on the property on or from which it was sold, a person shall not, except under a licence, transport outside of the property the body or carcass of the animal or meat derived from the animal.

Penalty:        200 penalty units.

#### **54            Failure to notify or lodge report**

A person shall not fail to provide to the Chief Inspector or an inspector, within the time, if any, specified for the form or notice to be provided, an approved form or a notice that the person is required to give or lodge by or under this Act.

Penalty:        20 penalty units.

## **Part 6            Control and enforcement**

### **Division 1        Powers of inspectors**

#### **55            Production of identity card**

- (1) Where:
  - (a) an inspector, other than a member of the Police Force, enters an establishment or land in pursuance of section 56 or 58;
  - (b) the person apparently in charge of the establishment or land requests the inspector to produce an identity card; and
  - (c) the inspector fails to do so,the inspector shall leave the establishment or land immediately.
- (2) The production by an inspector of an identity card or evidence that the officer is a member of the Police Force shall, until the contrary is proved, be sufficient authority to do anything the officer is authorised to do by or under this Act.

## **56 Powers of inspector to enter**

An inspector may, at any time, for the purposes of this Act, enter and inspect:

- (a) an establishment to which a licence relates;
- (b) a place to which an application under section 13 relates; or
- (c) land, other than a residence, on which an inspector suspects, on reasonable grounds, that:
  - (i) an offence may have been committed, is being committed, or is intended to be committed, under this Act; or
  - (ii) meat was, is being or is intended to be sold or, for the purpose of sale, dressed (whether or not in accordance with the Regulations), processed, stored or packed.

## **57 Other powers of inspectors**

- (1) An inspector may, at any time:
  - (a) inspect and take samples of feed or water or an animal which is to be slaughtered;
  - (b) inspect and take samples of a body or a carcass, meat or other product derived from an animal;
  - (c) direct or cause a person who is, or who the inspector suspects to be, in charge of an aircraft, vehicle or vessel used for the transportation of animals, carcasses or meat, to make the aircraft, vehicle or vessel and its contents available for inspection by an inspector;
  - (d) direct the person in charge of an aircraft, vehicle or vessel, that the inspector suspects was, or is being, used for transporting animals, carcasses or meat otherwise than in accordance with this Act, to take the aircraft, vehicle or vessel to, and remain at, a place specified by the inspector;
  - (e) require a person to provide his or her name and address where the inspector believes or suspects the person is engaged in or has information in respect of a meat industry;
  - (f) inspect equipment, tools, appliances, cartons, aircraft, vehicles or vessels used for or in connection with the slaughter, cutting up, boning, dressing, processing, branding, storing, packing, transporting, wholesaling or retailing of

carcasses or meat or that the inspector suspects is intended for such use;

- (g) give directions in relation to the slaughter of animals, the dressing of carcasses, the processing, branding, storing, packing and transporting of meat and the marking, labelling, strapping and sealing of a package or carton;
- (h) open a package or carton in which an inspector suspects meat is contained and examine and take samples of meat found in the package or carton;
- (j) confiscate, condemn, destroy or dispose of, or order a person to confiscate, condemn, destroy or dispose of:
  - (i) an animal;
  - (ii) a carcass; or
  - (iii) meat or offal or other product derived from an animal, that is, or which the inspector suspects is, defective, diseased, contaminated or unfit for human consumption or consumption by pets, and issue an approved certificate in relation to it to a person apparently having charge of the establishment or place at which it was located;
- (k) by oral instruction to the manager or another person apparently in charge of the operation, suspend the operation of an establishment for a period not exceeding 24 hours;
- (m) perform an act required to be performed by a licensee that has not been so performed;
- (n) issue approved certificates in relation to pet meat;
- (p) seize meat obtained, processed, branded, stored, labelled or otherwise dealt with in contravention of this Act or that the inspector suspects has been obtained in contravention of this Act;
- (q) direct that alterations or repairs to an establishment, machinery, tools or appliances, be performed and completed within a specified period;
- (r) obtain assistance from persons in the exercise of the powers or the performance of functions of an inspector under this Act; and



- (s) require the driver of a vehicle which the inspector suspects contains a carcass, an animal's body or meat, to stop the vehicle to enable the inspector to search it.
- (2) Where an inspector incurs an expense in the exercise of a power under subsection (1)(a), (b) or (m), the amount of the expense may be recovered from the person in relation to whom the power was exercised as a debt due and payable by the person to the Territory.

**58 Power of inspector in relation to persons suffering from disease**

- (1) Where an inspector is of the opinion that a person who is at an establishment from which meat is dispatched is infected with, or affected by, a disease, the inspector may, by written notice, direct the person to leave or remain away from the establishment.
- (2) Where a person is the subject of a direction under subsection (1), he or she shall not enter an establishment from which meat is dispatched unless:
  - (a) permitted to do so by an inspector; or
  - (b) where the inspector refuses to permit him or her to enter the establishment, if:
    - (i) a medical practitioner, or a registered nurse within the meaning of the *Nursing Act*, certifies that the person is in a fit state of health to be at an establishment; and
    - (ii) the certificate is forwarded to the licensee by the person subject to the direction.

**Division 2 Liability and procedure**

**59 General offences and penalties**

- (1) A person who contravenes or fails to comply with this Act or a direction, restriction, requirement, or condition given, made, or imposed under this Act is guilty of an offence.
- (2) Subject to this Act, a person guilty of an offence against this Act for which no other penalty is prescribed is, on conviction, liable to a penalty not exceeding 100 penalty units or imprisonment for 2 years and, if the offence is a continuing one, to a further penalty not exceeding 5 penalty units for each day after the first day on which the offence continues.

## **60 Institution of proceedings**

- (1) Proceedings for an offence against this Act shall not be commenced without the written consent of the Chief Inspector.
- (2) The Chief Inspector is an enforcement agency for the purposes of the *Fines and Penalties (Recovery) Act*.

## **61 Court may suspend or cancel licence**

Where the holder of a licence or his or her employee or agent is convicted of an offence against this Act, the Court may, in addition to any other penalty it may impose, on the application of the prosecutor or of its own motion:

- (a) suspend for such period as it thinks fit; or
  - (b) cancel,
- the licence.

## **62 Liability for acts**

Where an inspector does 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, 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 Territory, the Chief Inspector or an inspector.

## **63 Liability of directors, managers and corporations**

- (1) Where a corporation is convicted of an offence against this Act, every director and every person concerned in the management of the corporation shall be guilty of a like offence if it is proved that the act or omission that constituted the offence took place with the person's authority, permission, or consent, or that the person knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.
- (2) Where an employee or agent of a licensee is convicted of an offence against this Act in respect of operations in relation to a licence the licensee shall be guilty of a like offence.

- (3) It is a defence to a prosecution for an offence by the licensee that is referred to in subsection (2) if the licensee establishes that he or she took all reasonable precautions to prevent the commission of the offence by the other person.

#### **64 Averments and evidence**

- (1) In a prosecution for an offence against this Act an averment:
- (a) as to a matter specified in subsection (2);
  - (b) made by written notice and certified by the Chief Inspector; and
  - (c) served on the defendant or the defendant's agent or counsel not less than 7 days before the hearing at which the averment is to be tendered,
- shall, in the absence of proof to the contrary, be sufficient evidence of the matter averred.
- (2) An averment may be made under this section only in relation to the following:
- (a) that meat or offal was unfit for human consumption or for pet food;
  - (b) that meat or offal originated from a particular species;
  - (c) that meat, offal or animals could not have been handled in accordance with the Regulations or a standard or code of practice approved in respect of the licence under which the meat, offal or animal was handled or purportedly handled;
  - (d) that a person or thing was at a stated place, or within a stated area, at a stated time, or at the time of the taking of a stated action or the occurrence of a stated event;
  - (e) the presence of chemicals or drugs in meat or in cartons or receptacles found at an establishment;
  - (f) an entry in a register;
  - (g) that meat or offal not fit for human consumption was infected by or affected by, a particular disease or contaminant (including a micro-organism);
  - (h) the identity of a product made from or containing meat or offal not fit for human consumption;

- (j) that:
  - (i) a specified person was or was not, at a specified time, a licensee; or
  - (ii) a specified establishment was or was not, at a specified time, the subject of a licence of a specified type.
- (3) The Court shall take judicial notice of the official signature of a person who holds or has held the office of Chief Inspector and a certificate under subsection (1) purporting to be signed by the Chief Inspector shall be prima facie evidence of that fact without proof of the signature of the person appearing to have signed it.
- (4) The Court may, if the amendments can be made without hardship or injustice to the defendant, allow at the hearing of proceedings such amendments to be made to an averment under this section as appear to it to be desirable or to be necessary to enable the real question in dispute to be determined.

#### **65 Evidence of sale or slaughter**

- (1) Evidence that meat was under the control of a person in or in the vicinity of an establishment to which a licence relates is prima facie evidence that the person slaughtered the animal from which the meat is derived.
- (2) Evidence that meat was on display in a shop is prima facie evidence that it was offered for sale.

#### **66 Seizure and forfeiture**

- (1) An inspector may seize meat that the inspector believes on reasonable grounds:
  - (a) to have originated from an animal slaughtered; or
  - (b) to have been sold, or that is intended to be sold,in contravention of this Act or meat into which such meat is intermixed.
- (2) Meat seized in pursuance of subsection (1):
  - (a) shall be delivered into the custody of the Chief Inspector or to a person authorised by the Chief Inspector for that purpose (an **authorised person**); or

- (b) may, on application by:
- (i) the person from whom the meat was seized; or
  - (ii) where that person is not the owner, by the owner,  
be released to him or her under such sureties and conditions, including the entering into of a bond or other financial security to secure the payment of money, as the Chief Inspector specifies.
- (3) Where, in the opinion of the Chief Inspector, meat may rot, spoil, or otherwise perish, the Chief Inspector may arrange for its sale or otherwise dispose of it as he or she thinks fit.
- (4) Where, after reasonable enquiry at the time of seizure and within 90 days after that, the ownership of meat cannot be established, the meat seized shall be forfeited to the Territory and may be disposed of as directed by the Chief Inspector after that time.
- (5) All meat seized in pursuance of subsection (1) and the proceeds, if any, from the sale of meat pursuant to subsection (3) (except where the meat has been released in pursuance of subsection (3) or the meat or proceeds have been forfeited to the Territory under subsection (4)), shall be held in the custody of the Chief Inspector or an authorised person until:
- (a) a decision is made not to lay a complaint or charge in respect of the alleged offence for which the meat was seized; or
  - (b) where a complaint or charge is laid, upon the completion of proceedings in respect of the alleged offence for which the meat was seized, or such sooner time as the Court may determine.
- (6) The decision whether or not to lay a complaint or charge in respect of an alleged offence in relation to which meat is seized under subsection (1) shall be made before 90 days after the day on which the meat is seized.
- (7) Where meat has been seized under subsection (1) then:
- (a) on a decision being made not to lay a complaint or charge; or
  - (b) on the acquittal of a person charged with an offence,
- the meat (if not disposed of), or the proceeds from the sale of the meat, shall forthwith be released from the custody of the Chief Inspector or authorised person to the person from whom it was seized or to the owner of the meat.

- (8) Where a person is convicted of an offence against this Act:
- (a) the Court may, in addition to any other penalty which it may impose, on the application of the prosecutor, order that the meat in respect of which the conviction was imposed be forfeited to the Territory and disposed of as the Chief Inspector thinks fit; and
  - (b) the person shall be liable to pay to the Territory the reasonable costs of handling, securing, maintaining, and storing meat seized under subsection (1) as the Court thinks fit.
- (9) For the purposes of this section, **meat** includes the body of an animal, a carcass, meat and meat products.

## **Part 7                      Appeals**

### **67                      Right of appeal**

A person aggrieved by a decision of the Chief Inspector:

- (a) to grant or refuse to grant a licence, a renewal of a licence or a variation of a licence;
- (b) to grant or vary a licence subject to conditions;
- (c) to authorise or refuse to authorise the transfer of the person's licence to another person;
- (d) to refuse to exempt a person from the requirements of section 36(2)(a); or
- (e) to cancel or suspend a licence,

may appeal to the Local Court against the decision.

### **68                      Notice of appeal**

A notice of appeal shall:

- (a) be in the prescribed form; and
- (b) be lodged with the Local Court within 28 days after the date of the decision appealed against.

**69 Determination of appeal**

- (1) An appeal shall be conducted as a hearing de novo and the Local Court:
  - (a) has all the powers, duties and functions of the Chief Inspector in relation to the subject matter of the appeal; and
  - (b) 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)(b) shall take effect on the date specified by the Local Court in the determination or, if no date is so specified, on the date of the determination.
- (3) The Chief Inspector shall take the action necessary to give effect to a determination under subsection (1)(b).

**Part 8 Miscellaneous****70 Replacement licence**

Where a licence is lost or destroyed, its holder may apply to the Chief Inspector on the approved form, accompanied by:

- (a) a statutory declaration declaring that the licence has been lost or destroyed; and
- (b) the approved fee,

for the issue of a replacement licence and the Chief Inspector may issue a replacement licence to the holder.

**71 Notices**

Unless otherwise specified in this Act, a notice under this Act:

- (a) may be served in person or by post or by electronic means; and

- (b) takes effect from the date of service or the date after the date of service specified in the notice.

**72 Minister may declare or amend standards, &c.**

- (1) The Minister may, in writing, declare:
  - (a) a standard or code of practice; or
  - (b) an amendment to, or a standard or code in substitution for, a standard or code of practice declared under this section,for the purpose of this Act.
- (2) A declaration under subsection (1) is only effective from the date on which a notice of the making of the declaration is published in the *Gazette* or a later date, if any, specified in the notice.
- (3) The Chief Inspector shall retain for inspection by members of the public copies of all standards or codes of practice declared under subsection (1).

**73 Acquisition to be on just terms**

Where the application of this Act would, but for this section, result in an acquisition of property otherwise than on just terms, the person from whom the property is acquired shall be entitled to receive just compensation for the acquisition and a court of competent jurisdiction may determine the amount of the compensation or make such order as, in its opinion, is necessary to ensure that the acquisition is on just terms.

**74 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may make provision for or in relation to:
  - (a) the standards for the location, construction and equipment (including refrigeration equipment) of an establishment;
  - (b) the cleansing and disinfecting of establishments and equipment and utensils used in establishments or during



game meat, pet meat or bait meat operations and in such establishments or during such operations and the removal and/or disposal of blood, offal or waste products from establishments;

- (c) the quality and supply of water to establishments;
- (d) the manner in which animals are to be slaughtered, the bodies of animals are to be dressed and meat is to be processed;
- (e) the inspection of animals or of the carcasses, offal or meat of animals;
- (f) the seizure, destruction or disposal of animals, carcasses, meat or other products produced or dealt with in contravention of this Act;
- (g) the treatment and sustenance of animals held at an establishment before slaughter and the storage and use of drugs and chemicals in the treatment of them before, during or after slaughter;
- (h) the manner in which meat is to be packed, refrigerated and stored at an establishment, including the temperature at which rooms in establishments are to be maintained;
- (j) the prohibition of the slaughtering of animals at establishments or generally and the regulation or prohibition of the processing or dressing of animals not slaughtered at an establishment;
- (k) the making or application of tests for the detection of disease in animals intended to be slaughtered, for species determination of meat or for the presence of micro-organisms, drugs or chemicals;
- (m) the standards to be complied with in relation to vehicles used to transport meat and the refrigeration units in vehicles used to transport meat, the maintenance and cleaning of such vehicles or units and the manner of transporting meat in such vehicles;
- (n) the grading, branding or certification of meat in respect of its quality, the manner in which the carcasses, meat and edible offal of animals shall be marked, labelled or packed and the storage, branding, marking and labelling of chemical containers, disposable cartons, cartons or individual packs which contain such meat and the dye to be used to identify meat;

- (p) the persons engaged at establishments or permitted to enter establishments, the type of clothing to be worn by such people and conditions relating to the laundering and use of such clothing, the health requirements for such workers and the amenities that are to be provided for staff and inspectors;
  - (q) the conditions to which a licence shall be subject;
  - (r) the treatment, sale and other disposal of the by-products of slaughtering and the preservation of carcasses, skins, hides and feathers of animals slaughtered under a licence, until approval is obtained to dispose of them;
  - (s) the offences that are regulatory offences;
  - (t) the prohibition or regulation of the keeping of animals at or near establishments, the treatment to which offal is to be subjected before being fed to animals and the control of vermin;
  - (w) the circumstances in which notice of intention to commence slaughtering under a licence is required;
  - (y) the specifying of microbiological standards, standards of physical contamination or standards for chemical residues;
  - (z) the imposition of penalties not exceeding:
    - (i) a fine of \$5,000 for an offence against the Regulations; and
    - (ii) an additional fine of \$500 for each day during which the offence continues;
  - (za) the payment of a prescribed amount in lieu of a penalty that may otherwise be imposed for an offence against this Act; and
  - (zb) the service of notices on persons alleged to have infringed this Act and particulars to be included in such notices.
- (3) Regulations made under this section may require that a matter or thing prescribed by the Regulations shall be carried out or done, in any case, to the satisfaction of the Chief Inspector or an approved inspector.

## Part 9                    Repeal and savings

### 75                    Repeal

The Acts listed in the Schedule are repealed.

### 76                    Transitional

- (1) Notwithstanding any other provision of this Act, where, immediately before the commencement of this Act, a person held a licence (**a former licence**) under the former *Abattoirs and Slaughtering Act*:
  - (a) the Chief Inspector shall, as soon as practicable after the commencement of this Act, grant to the holder of the former licence a licence under this Act of the type which is, in the Chief Inspector's opinion, the type of licence that most closely approximates the former licence;
  - (b) the person shall not be held to be in breach of this Act by reason only that he or she does not, after the commencement of this Act but before the grant to him or her of a licence in accordance with paragraph (a), hold a licence under this Act; and
  - (c) the establishment to which the licence relates shall be deemed to be an establishment constructed under this Act and section 16(2) and the provisions of this Act relating to the specifications for, modification, alteration or construction of establishments, do not apply to the establishment:
    - (i) where it is to be used for the purposes of a domestic poultry abattoir licence or an export poultry abattoir licence – until a date specified by the Chief Inspector by notice in the *Gazette*; or
    - (ii) in any other case – until 1 January 1997.
- (2) Where, immediately before the commencement of this Act, a person held a licence under the former *Pet Meat Act* the licence is deemed to be a pet meat licence issued under this Act.
- (3) A person who, immediately before the commencement of this Act, was an Inspector of Abattoirs appointed under section 6 of the *Abattoirs and Slaughtering Act* or an Inspector of Pet Meat appointed under section 9(1) of the *Pet Meat Act*, is deemed to be an inspector under section 9(1).

- (4) An identity card issued to a person under the former *Abattoirs and Slaughtering Act* or the former *Pet Meat Act* shall be deemed to be an identity card issued under this Act.

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**Schedule Acts repealed**

section 75

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Number and year	Short title
No. 46, 1973	<i>Abattoirs and Slaughtering Ordinance 1973</i>
No. 88, 1974	<i>Abattoirs and Slaughtering Ordinance 1974</i>
No. 104, 1981	<i>Abattoirs and Slaughtering Amendment Act 1981</i>
No. 10, 1990	<i>Abattoirs and Slaughtering Amendment Act 1990</i>
No. 51, 1995	<i>Abattoirs and Slaughtering Amendment Act 1995</i>
No. 30, 1984	<i>Meat Industry Act</i>
No. 11, 1982	<i>Pet Meat Act</i>
No. 4, 1990	<i>Pet Meat Amendment Act</i>

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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*****Meat Industries Act 1996 (Act No. 54, 1996)***

Assent date	31 October 1996
Commenced	10 December 1997 ( <i>Gaz G49</i> , 10 December 1997, p 3)

***Statute Law Revision 1999 (Act No. 27, 1999)***

Assent date	18 June 1999
Commenced	18 June 1999

***Planning (Consequential Amendments) Act 1999 (Act No. 56, 1999)***

Assent date	14 December 1999
Commenced	12 April 2000 (s 2, s 2 <i>Planning Act 1999</i> (Act No. 55, 1999) and <i>Gaz S15</i> , 12 April 2000)

***Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 (Act No. 60, 2001)***

Assent date	11 December 2001
Commenced	1 January 2002 (s 2, s 2 <i>Fines and Penalties (Recovery) Act 2001</i> (Act No. 59, 2001) and <i>Gaz G50</i> , 19 December 2001, p 3)

***Meat Industries Amendment Act 2002 (Act No. 19, 2002)***

Assent date	7 June 2002
Commenced	2 September 2002 ( <i>Gaz G34</i> , 28 August 2002, p 4)

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent date	7 January 2004
Commenced	17 March 2004 ( <i>Gaz G11</i> , 17 March 2004, p 8)

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**3****LIST OF AMENDMENTS**

lt	sub No. 19, 2002, s 4
s 3	amd No. 19, 2002, s 10
s 4	amd No. 19, 2002, s 5; No. 1, 2004, s 62
ss 10 – 11	amd No. 19, 2002, s 10
s 12	amd No. 19, 2002, s 6
s 13	amd No. 19, 2002, s 7
ss 14 – 15	amd No. 56, 1999, s 3
s 20	amd No. 19, 2002, s 10
s 24	amd No. 19, 2002, s 10
s 26	amd No. 19, 2002, s 10
ss 33 – 34	amd No. 19, 2002, s 10
s 35	sub No. 19, 2002, s 8
ss 36 – 39	amd No. 19, 2002, s 10
pt 4	
div 2A hdg	ins No. 19, 2002, s 9
ss 40A – 40C	ins No. 19, 2002, s 9
ss 40 – 42	amd No. 19, 2002, s 10
ss 44 – 54	amd No. 19, 2002, s 10
s 58	amd No. 27, 1999, s 15
s 59	amd No. 19, 2002, s 10
s 60	amd No. 60, 2001, s 18
s 74	amd No. 19, 2002, s 10