

NORTHERN TERRITORY OF AUSTRALIA

MEAT INDUSTRY ACT
No. 30 of 1984
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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 30 of 1984

AN ACT

To provide for the control of the production of meat
fit for human consumption and to otherwise
regulate the meat industry

[Assented to 20 July 1984]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Meat Industry Act 1984*.

2. COMMENCEMENT

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

3. INTERPRETATION

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

"abattoir licence" means a licence the licence document issued in respect of which indicates that it is an abattoir licence, and includes the renewal or variation of such a licence;

"aircraft" means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, but does not include a hovercraft;

"animals" means cattle, sheep, pigs, goats, buffalo, deer, horses, donkeys, camels, rabbits, hares and poultry, and includes other animals that are specified by the Chief Inspector as animals for the purposes of this Act;

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"approved" means approved by an Inspector;

"carcass" means the body of a slaughtered animal, before it is dressed;

"cold store licence" means a licence the licence document issued in respect of which indicates that it is a cold store licence, and includes the renewal or variation of such a licence;

"Chief Inspector" means the Chief Inspector of Meat under section 6;

"dressed carcass", in relation to -

- (a) a slaughtered animal, other than pigs and poultry, means a carcass from which has been removed the head, hide or skin, viscera (with or without the kidneys), genital organs, urinary bladder, feet (up to the carpal and tarsal joints) and, in the case of adult females, the udder;
- (b) a slaughtered pig, means a carcass from which has been removed the hair, bristles or skin, claws, eyelids, external acoustic duct, viscera (with or without the kidneys), genital organs, urinary bladder and, in the case of adult females, the udder; and
- (c) slaughtered poultry, means a carcass from which has been removed the head, feathers or skin, viscera and feet at the tibio-metatarsal joint;

"edible offal" means offal approved as fit for human consumption;

"Inspector" means a person appointed under section 8 to be an Inspector of Meat, and includes the Chief Inspector;

"land" includes a building, structure and place located on land;

"licence" means a licence which is in force under this Act;

"licensed abattoir" means an abattoir, together with such land as is specified in the licence document, in respect of which there is in force an abattoir licence;

"licensed cold store" means a storage facility, together with such land as is specified in the licence document, in respect of which there is in force a cold store licence;

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"licensed meat establishment" means a licensed abattoir, licensed processing premises or licensed cold store;

"licensed processing premises" means premises, together with such land as is specified in the licence document, in respect of which there is in force a processing licence;

"manager" means a person whose name is endorsed on a licence document as the manager of the operations to which the licence relates;

"meat" includes a dressed carcass, flesh obtained from a dressed carcass and edible offal, whether it is fresh, chilled, frozen, preserved, salted or processed in any way, and includes meat products;

"poultry" means a domestic fowl, duck, goose or turkey and includes any other species of bird that is specified by the Chief Inspector as poultry for the purposes of this Act;

"processing", in relation to meat, means physically or chemically changing the meat after the animal from which it derived has been slaughtered and its carcass dressed, but does not include chilling or freezing or preparing the meat for immediate consumption;

"processing licence" means a licence the licence document issued in respect of which indicates that it is a processing licence, and includes the renewal or variation of such a licence;

"retailer" means a person who -

- (a) purchases meat and receives meat at a retail outlet; and
- (b) from the retail outlet, disposes of meat principally to persons who do not intend to resell the meat or who intend to resell the meat in a cooked or marinated state or for immediate consumption;

"sell" includes -

- (a) offer or expose for sale;
- (b) keep or have in possession for sale; or
- (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 that person was or is under an obligation to pay or provide the reward or benefit;

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"transport", in relation to meat, means to convey by aircraft, vehicle or vessel;

"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.

(2) For the purposes of the definition of "animal" and "poultry" in sub-section (1), the Chief Inspector may, by notice in the *Gazette*, declare an animal or bird to be an animal or poultry, as the case may be, for the purposes of this Act.

(3) A reference in this Act to the holder of a licence includes -

- (a) a person deemed under section 23(3) to be the holder of the licence; and
- (b) in the absence of the manager, the person from time to time in charge of the licensed meat establishment to which the licence relates.

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 sub-section (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.

(3) This Act does not apply to or in relation to -

- (a) a person who slaughters an animal on land which he owns or occupies, for consumption of its meat on that land principally by -

- (i) himself;

- (ii) other persons who reside with him; or

- (iii) the person's employees at that place; or

- (b) a drover engaged in droving animals who slaughters an animal for consumption of its meat whilst engaged on the drive, principally by -

- (i) himself;

- (ii) members of the drover's family accompanying him; or

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- (iii) the drover's employees engaged on the drive,

and he does not sell, or intend to sell, the carcass, meat or another product of that animal (other than its hide or horns), in relation to the slaughter, storage or possession of the animal, its carcass or its meat or other product.

- (4) Where an activity of, or action by, a person -

- (a) does not relate to meat intended for human consumption; and

- (b) is permitted under the *Pet Meat Act*,

the performance of that activity or action, without being licensed under this Act, shall not be an offence under this Act.

5. MAXIMUM NUMBER OF LICENCES

(1) The Minister may, by notice in the *Gazette*, determine the maximum number of licences of a specified type which may be in force in relation to the Territory or an area of the Territory specified in the notice.

(2) The Chief Inspector shall not approve under section 24 an application for a licence in relation to the Territory or an area of the Territory where, if that application were approved and consequently a licence granted and issued, the maximum number of that type of licence in relation to the Territory or that area, as the case may be, would exceed the maximum number determined under sub-section (1).

PART II - ADMINISTRATION

6. CHIEF INSPECTOR OF MEAT

The person appointed as, or for the time being holding the office of, the Chief Inspector of Stock under the *Stock Diseases Act* shall be the Chief Inspector of Meat for the purposes of this Act.

7. 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.

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(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief Inspector.

8. INSPECTORS OF MEAT

The Minister may appoint a person to be an Inspector of Meat for the purposes of this Act.

9. IDENTITY CARDS

(1) The Chief Inspector shall issue to an Inspector an identity card in such form as he thinks fit.

(2) A person who ceases to be an Inspector shall, as soon as practicable, return his identity card to the Chief Inspector.

Penalty: \$200.

10. POWERS OF INSPECTOR TO ENTER

An Inspector may, at any time, for the purposes of this Act, enter and inspect -

- (a) a licensed meat establishment;
- (b) an establishment to which an application under section 22 relates; or
- (c) land, other than a dwelling house, on which an Inspector suspects that -
 - (i) an animal was, is being or is intended to be, slaughtered; or
 - (ii) meat was, is being or is intended to be, dressed, processed, stored, packed or sold.

11. OTHER POWERS OF INSPECTORS

- (1) An Inspector may, at any time -
 - (a) inspect and take samples of an animal which is to be slaughtered;
 - (b) inspect and take samples of a carcass, meat or other product derived from an animal;
 - (c) direct or cause a person who is, or whom he 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;

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- (d) direct the person in charge of an aircraft, vehicle or vessel, which he suspects was, or is being, used for transporting animals, carcasses or meat otherwise than in accordance with this Act or the Regulations, to take the aircraft, vehicle or vessel to, and remain at, a place specified by the Inspector;
- (e) require a person to provide his name and address where the Inspector believes or suspects the person is engaged in the meat industry;
- (f) inspect machinery, tools, appliances, containers, aircraft, vehicles or vessels used for or in connection with the cutting up, boning, dressing, processing, branding, storing, packing, transporting, wholesaling or retailing of carcasses or meat, or which he suspects is intended for such use;
- (g) give directions in relation to the killing of animals, the dismembering and dressing of carcasses, the processing, branding, storing, packing and transporting of meat and the marking, labelling, strapping and sealing of a carton, package or container;
- (h) open a carton, package or container in which an Inspector suspects meat is contained and examine and take samples of any meat found in the carton, package or container;
- (j) confiscate, condemn, destroy or dispose of an animal, carcass, meat or other product derived from an animal which is defective, diseased, contaminated or unfit for human consumption or which he suspects is defective, diseased, contaminated or unfit for human consumption and issue a prescribed certificate in relation to that animal, carcass, meat or other product;
- (k) by notice in writing to the holder of the licence, suspend a licence for a period not exceeding 7 days;
- (m) perform an act required to be performed by the holder of a licence which has not been so performed;
- (n) issue prescribed certificates in relation to meat;
- (p) seize meat obtained, processed, branded, stored, labelled or otherwise dealt with in contravention of this Act or the Regulations, or which he suspects has been obtained in contravention of this Act or the Regulations; or

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- (q) obtain assistance from such persons, as he thinks fit, to exercise his powers or discharge his duties under this Act.

(2) Where an Inspector incurs an expense in pursuance of sub-section (1)(m), the amount of the expense may be recovered from the person who failed to perform the act as a debt due and payable by that person to the Territory.

12. PRODUCTION OF IDENTITY CARD

Where -

- (a) an Inspector enters an establishment or land in pursuance of section 10;
- (b) the person apparently in charge of the establishment or land requests him to produce an identity card issued under section 9; and
- (c) he fails to do so,

he shall leave that establishment or land immediately.

13. POWERS OF INSPECTOR IN RELATION TO DISEASED ANIMALS

Where an Inspector is of the opinion that there is, at a licensed abattoir, an animal -

- (a) which is infected with, or affected by, a prescribed disease; or
- (b) the condition of which is such that its meat is likely to be unfit for human consumption,

he may, by notice in writing -

- (c) direct the holder of the abattoir licence to remove the animal to a specified place; or
- (d) where he is satisfied that the animal may be destroyed at the abattoir without danger to public health or without affecting the wholesomeness of meat at the abattoir - direct the holder of the abattoir licence to destroy that animal in accordance with his direction.

14. POWER OF INSPECTOR IN RELATION TO PERSONS SUFFERING FROM DISEASE

(1) Where an Inspector is of the opinion that a person who is at, or is employed at, a licensed meat establishment is infected with, or affected by, a disease, the Inspector may, by notice in writing, direct the person or employee to remove himself, or remain away, from the establishment.

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(2) Where a person or employee is the subject of a direction under sub-section (1), he shall not enter a licensed meat establishment unless a medical practitioner, or a general nurse within the meaning of the *Nursing Act*, certifies that the person or employee is in a fit state of health to be at, or be employed at, as the case may be, a licensed meat establishment and the certificate is forwarded to the holder of the licence of the licensed meat establishment by that person or employee.

15. CONTAMINATED WATER

Where an Inspector is of the opinion that water used at a licensed meat establishment is not potable, the Inspector shall, by notice in writing, direct the holder of the licence to cease exposing animals, carcasses or meat to that water.

16. 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 Crown, Chief Inspector or Inspector.

PART III - LICENCES

17. INTENTION TO APPLY FOR APPROVAL OF LOCATION

Where a person intends to apply for the approval of a location for a licensed meat establishment, he shall cause to be published in a newspaper circulating in the area in which the location is situated a prescribed notice that he intends to lodge an application under section 18 in respect of that location with the Chief Inspector within 28 days after the newspaper is published.

18. APPLICATION FOR APPROVAL OF LOCATION FOR LICENSED MEAT ESTABLISHMENT

(1) A person may apply for approval of a location for a licensed meat establishment by lodging with the Chief Inspector -

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

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- (c) a description of the proposed location and operation of the proposed licensed meat establishment;
 - (d) proof that the use of the land for the proposed licensed meat establishment does not contravene the *Planning Act*, *Public Health Act* or, in the case of leasehold land, a covenant of the lease;
 - (e) proof that he is the owner of the land or has the consent of the owner to use the land for the proposed licensed meat establishment;
 - (f) proof that he has complied with section 17; and
 - (g) evidence that when the proposed licensed meat establishment is in operation, it will be economically viable and arrangements will be made to protect the environment to the satisfaction of the Chief Inspector.
- (2) An application by a body corporate shall nominate the person whom it is proposed shall manage the operation of the body corporate at the proposed licensed meat establishment.
- (3) A person may apply for, and be granted, approval for more than one location for a proposed licensed meat establishment but each location shall be the subject of a separate application.

19. INQUIRIES REGARDING APPLICANTS

- (1) Where an application under section 18 is lodged with the Chief Inspector, he may conduct, or cause to be conducted, such investigations as he thinks fit to determine whether the applicant is a fit and proper person to be the holder of a licence in respect of the proposed licensed meat establishment.
- (2) Where an application under section 18 is made by or on behalf of a body corporate, the Chief Inspector may conduct, or cause to be conducted, such investigations as he thinks fit in relation to -
- (a) the membership of the body corporate;
 - (b) the management or proposed management of the body corporate; and
 - (c) the capacity of the body corporate to conduct the business associated with the proposed licence.
- (3) The Chief Inspector may conduct, or cause to be conducted, such investigations in relation to a person who is nominated as the proposed manager of the operations of a body corporate in its application under section 18, as

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he may conduct, or cause to be conducted, in relation to an applicant.

20. OBJECTIONS

(1) Where an objection to or in relation to an application under section 18 is received by the Chief Inspector, he shall investigate the objections to such extent as he thinks fit.

(2) Without limiting the generality of the Chief Inspector's discretion under sub-section (1), he may call for and conduct a public meeting, in such manner as he thinks fit, to consider the merits of the objection.

21. APPROVAL OF APPLICATION UNDER SECTION 18

(1) Subject to the approval of the Minister, the Chief Inspector may, in his discretion, approve an application under section 18 where -

- (a) not less than 28 days have expired since the applicant complied with section 17 in relation to the application;
- (b) he considers that the applicant is a fit and proper person to hold a licence in respect of the proposed licensed meat establishment;
- (c) he has considered the objections, if any, to the application; and
- (d) he has satisfied himself that, when the proposed licensed meat establishment is in operation at the proposed location, it will be economically viable and arrangements will be made to protect the environment.

(2) Where under sub-section (1) the Chief Inspector approves an application, he shall, as soon as practicable, cause notice of that approval to be published in the Gazette and the newspaper in which the relevant notice under section 17 was published.

22. APPLICATION FOR LICENCE

A person -

- (a) whose application under section 18 has been approved under section 21 may, within 12 months after the publication in the Gazette of the notice of approval required under section 21(2) to be published; or
- (b) who held a licence under this Act may, within 28 days after ceasing to hold that licence,

apply for a licence of the type to which that approval

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relates or of the same type as the former licence, as the case may be, in respect of the approved proposed meat establishment or former licensed meat establishment by lodging with the Chief Inspector -

- (c) an application in duplicate in the prescribed form;
- (d) the prescribed fee; and
- (e) 2 sets of plans and specifications of the proposed licensed meat establishment.

23. BODY CORPORATE AS HOLDER OF LICENCE

(1) Where an applicant is a body corporate, it shall nominate a person as the manager of its operations.

(2) Where a body corporate is granted a licence, the name of the person nominated as the manager in accordance with sub-section (1) shall be endorsed on the licence document as the manager of its operations.

(3) For the purposes of this Act, a manager shall be deemed to be the holder of the licence on the licence document in respect of which his name is endorsed and he shall be liable as the holder of the licence.

(4) Where the manager of a licensed meat establishment is, or is expected to be, unable to be in charge of the licensed meat establishment, the holder of the licence shall, as soon as practicable, apply under section 28 for a variation of the name of the manager endorsed under sub-section (3) on the licence document, but no later than 14 days after the person endorsed on the licence document as the manager ceases to be in charge of that licensed meat establishment.

(5) Subject to sub-section (6), in addition to the person whose name is endorsed as the manager under sub-section (3), the body corporate and every director and officer of the body corporate shall be liable for an offence committed by the manager against this Act or the Regulations.

(6) No director or officer of a body corporate shall be liable in pursuance of sub-section (5) 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 the offence.

24. APPROVAL OF APPLICATION

Subject to section 5(2), the Chief Inspector may, in his discretion, approve an application under section 22 for a licence where -

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- (a) in the case of an application made as a result of approval being given under section 21(1) - not more than 6 months have expired since the date of the Gazette in which the notice under section 21(2) appeared; and
- (b) in any case - he is satisfied that the proposed or existing building and facilities to be licensed as a licensed meat establishment conform with the prescribed standards in respect of the type of licensed meat establishment to which the licence applied for relates.

25. GRANT OF LICENCE

- (1) Where the Chief Inspector -

- (a) has, under section 24, approved an application for a licence; and
- (b) is satisfied that the licensed meat establishment is built and conforms, or the proposed licensed meat establishment when built will conform, with the plans and specifications lodged under section 22(e) and approved under section 24,

he shall grant the licence and issue the licence document to the applicant.

(2) Where the Chief Inspector grants a licence under sub-section (1), he shall give notice in the Gazette of the granting of the licence.

(3) Subject to this Act, a person may be granted more than one licence.

26. FORM OF LICENCE

- (1) Subject to sub-section (2) -

- (a) a licence document shall be in the prescribed form; and
- (b) the licence shall be subject to such conditions as are prescribed by the Regulations or endorsed on the licence document.

(2) Where a condition of a licence is prescribed by the Regulations, unless the contrary intention appears in those Regulations or the licence document, the condition shall apply to that licence whether the licence was granted before or after the commencement of the Regulations prescribing the conditions.

27. DURATION OF LICENCE

Subject to the conditions to which it is subject, a licence shall remain in force -

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- (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 31; or
- (d) until the date it is cancelled and notice is served under section 35 on the holder of the licence.

28. VARIATION OF LICENCE

(1) The holder of a licence may apply for a variation of his licence by lodging with the Chief Inspector -

- (a) an application in the prescribed form;
- (b) the prescribed fee; and
- (c) any proof or consent which the Chief Inspector requires in relation to the variation.

(2) Without limiting the generality of sub-section (1), the holder of a licence may apply for a variation of -

- (a) the name of the manager endorsed under section 23(2) on the licence;
- (b) the conditions subject to which the licence was granted;
- (c) the animals specified in the licence; and
- (d) the plans and specifications of the licensed meat establishment to which the licence relates.

(3) Where an application under sub-section (1) is lodged with the Chief Inspector, he may vary the licence in such manner and on such terms as he thinks fit.

29. APPLICATION FOR RENEWAL OF LICENCE

The holder of a licence may before the expiration of his licence apply for a renewal of the licence by lodging with the Chief Inspector -

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

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30. RENEWAL OR GRANT OF LICENCE

Where the Chief Inspector receives an application under section 29 and he is satisfied that, in relation to the licence -

- (a) the circumstances under which it was granted have not significantly changed;
- (b) the holder of the licence has complied with and has not contravened the conditions to which it is subject; and
- (c) the holder of the licence has not been convicted of an offence against this Act or the Regulations,

he may renew that licence and, for that purpose, shall either issue a new licence document or endorse the previously issued licence document in such manner as he thinks fit.

31. 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.

32. TRANSFER OF LICENCE

(1) Subject to sub-section (2), 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, and he may exercise his powers under sections 19 and 20 as if the application to transfer under section 33 were an application under section 18.

33. APPLICATION FOR TRANSFER OF LICENCE

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.

34. CANCELLATION AND SUSPENSION OF LICENCE

(1) The Chief Inspector may cancel or suspend, as he thinks fit, a licence -

- (a) where the holder of the licence or his employee contravenes or fails to comply with or satisfy a condition of the licence; or

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- (b) where the holder of a licence or his employee is convicted of an offence against this Act or the Regulations.

(2) Without limiting the generality of sub-section (1), the Chief Inspector may cancel or suspend a licence where the licensed meat establishment in respect of which it was granted has, during the period of the licence -

- (a) been altered without the prior approval of an Inspector;
- (b) not been maintained to the satisfaction of an Inspector;
- (c) been used for purposes other than those permitted under this Act; or
- (d) been used, managed or conducted in a manner contrary to this Act or the Regulations.

35. NOTICE OF CANCELLATION OR SUSPENSION

(1) Where the Chief Inspector cancels or suspends a licence under section 34, 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 sub-section (1) -

- (a) may be served by post; and
- (b) shall take effect from the date of service.

PART IV - APPEALS

36. RIGHT OF APPEAL

A person aggrieved by a decision of the Chief Inspector to -

- (a) approve or refuse to approve a location for a licensed meat establishment;
- (b) grant or refuse to grant a licence or renewal of a licence, or to vary or refuse to vary a licence;
- (c) grant, renew or vary a licence subject to conditions;
- (d) authorize or refuse to authorize the transfer from the holder for the time being of a licence to another person; or
- (e) cancel or suspend a licence,

may appeal to a Local Court against the decision.

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37. FORM OF APPEAL

An appeal under section 36 shall -

- (a) be in writing; and
- (b) be made within 28 days from the date of the decision appealed against.

38. DETERMINATION OF APPEAL

(1) An appeal under section 36 shall be conducted as a hearing *de novo* and the Local Court to which it is made -

- (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 sub-section (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 that determination.

(3) The Chief Inspector shall take the necessary action to give effect to a determination under sub-section (1)(b).

PART V - ABATTOIR LICENCE

39. RIGHTS OF HOLDER OF ABATTOIR LICENCE

(1) The holder of an abattoir licence may, in accordance with his licence -

- (a) where he has notified an Inspector in accordance with sub-section (2), slaughter an animal, dress a carcass and process meat at the licensed abattoir;
- (b) to the extent incidental to processing the meat, pack and store meat at that abattoir; and
- (c) sell meat in accordance with this Act or the Regulations.

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(2) Where the holder of an abattoir licence intends to slaughter an animal, dress a carcass or process meat, he shall give an Inspector 24 hours prior notice of his intention to commence such slaughtering, dressing or processing, unless the Inspector waives such notice.

40. DUTIES OF HOLDER OF ABATTOIR LICENCE

- (1) The holder of an abattoir licence shall -
 - (a) comply with, and ensure that his employees comply with, the conditions to which his licence is subject and with the lawful directions of an Inspector;
 - (b) ensure that the licensed abattoir is used only for the purposes of, and incidental to, slaughtering animals, dressing carcasses and processing meat;
 - (c) maintain the exterior and interior of the licensed abattoir and adjacent sewerage and waste disposal facilities to the satisfaction of an Inspector;
 - (d) permit an Inspector to enter and inspect the licensed abattoir at any time;
 - (e) keep prescribed records; and
 - (f) ensure, to the best of his ability, that meat processed at and dispatched from the licensed abattoir is fit for human consumption.
- (2) The holder of an abattoir licence shall not -
 - (a) pack meat to be dispatched to a destination outside the Territory unless an Inspector is present at the licensed abattoir and the Inspector has been advised that such packing is to take place;
 - (b) dispatch from the licensed abattoir packed meat for a destination outside the Territory unless a prescribed certificate signed by an Inspector accompanies the meat;
 - (c) dispatch from the licensed abattoir packed meat for a destination within the Territory unless a prescribed certificate signed by the holder of the licence accompanies the meat; or
 - (d) except where the meat has been dispatched from another licensed abattoir, receive or unpack meat from an aircraft, vehicle or vessel used to transport it to the licensed abattoir unless not later than 24 hours before he receives or unpacks it he has given to an Inspector notice of his intention to receive or unpack it.

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41. DISEASED ANIMAL NOT TO BE SLAUGHTERED

Except in accordance with a direction under section 13(d), no person shall slaughter at a licensed abattoir an animal which he has reason to believe is infected with, or affected by, a prescribed disease or the condition of which is such that its meat is likely to be unfit for human consumption.

PART VI - PROCESSING LICENCE

42. RIGHTS OF HOLDER OF PROCESSING LICENCE

(1) The holder of a processing licence may, in accordance with his licence -

- (a) where he has notified an Inspector in accordance with sub-section (2), process meat at the licensed processing premises;
- (b) to the extent incidental to processing the meat, pack and store meat at the licensed processing premises; and
- (c) sell processed meat in accordance with this Act or the Regulations.

(2) Where the holder of a processing licence intends to process meat, he shall give an Inspector 24 hours notice of his intention to commence such processing, unless the Inspector waives such notice.

43. DUTIES OF HOLDER OF PROCESSING LICENCE

- (1) The holder of a processing licence shall -
 - (a) comply with, and ensure that his employees comply with, the conditions to which his licence is subject and with the lawful directions of an Inspector;
 - (b) ensure that the licensed processing premises are used only for the purposes of, and incidental to, the processing and packing of meat;
 - (c) maintain the exterior and interior of the licensed processing premises and adjacent sewerage and waste disposal facilities to the satisfaction of an Inspector;
 - (d) permit an Inspector to enter and inspect the licensed processing premises at any time;
 - (e) keep prescribed records; and
 - (f) ensure, to the best of his ability, that meat processed at and dispatched from the licensed processing premises is fit for human consumption.

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- (2) The holder of a processing licence shall not -
 - (a) pack meat to be dispatched to a destination outside the Territory unless an Inspector is present at the licensed processing premises and the Inspector has been advised that such packing is to take place;
 - (b) dispatch from the licensed processing premises packed meat for a destination outside the Territory unless a prescribed certificate signed by an Inspector accompanies the meat;
 - (c) dispatch from the licensed processing premises packed meat for a destination within the Territory unless a prescribed certificate signed by the holder of the licence accompanies the meat; or
 - (d) except where the meat has been dispatched from a licensed abattoir, receive or unpack meat from an aircraft, vehicle or vessel used to transport it to the licensed processing premises unless not later than 24 hours before he receives or unpacks it he has given to an Inspector notice of his intention to receive or unpack it.

PART VII - COLD STORE LICENCE

44. RIGHTS OF HOLDER OF COLD STORE LICENCE

The holder of a cold store licence may store at the licensed cold store meat -

- (a) from a licensed abattoir or licensed processing premises; or
- (b) brought from outside the Territory accompanied by a certificate from a prescribed meat inspection authority certifying that it is the product of an animal slaughtered or a carcass dressed, processed, marked, branded and labelled, in accordance with the law of the Commonwealth, a State or another Territory of the Commonwealth.

45. DUTIES OF HOLDER OF COLD STORE LICENCE

- (1) The holder of a cold store licence shall -
 - (a) comply with, and ensure that his employees comply with, the conditions to which his licence is subject and with the lawful directions of an Inspector;
 - (b) maintain the exterior and interior of the licensed cold store to the satisfaction of an Inspector;

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- (c) permit an Inspector to enter and inspect the licensed cold store at any time;
- (d) store, on the usual terms and conditions of storage, meat which an Inspector has seized in pursuance of section 11(p);
- (e) keep prescribed records; and
- (f) ensure, to the best of his ability, that meat brought into the licensed cold store does not deteriorate whilst at the cold store.

(2) Except where the meat has been dispatched from a licensed abattoir or licensed processing premises, the holder of a cold store licence shall not receive or unpack meat from an aircraft, vehicle or vessel used to transport it to the licensed cold store unless not later than 24 hours before he receives or unpacks it he has given to an Inspector notice of his intention to receive or unpack it.

PART VIII - OFFENCES

46. SELLING OR PURCHASING MEAT

(1) No person shall sell, or intend to sell, meat unless -

- (a) he has brought the meat from outside the Territory and the meat is accompanied by a certificate from a prescribed meat inspection authority certifying that it is the product of an animal slaughtered or a carcass dressed, processed, marked, branded and labelled, in accordance with the law of the Commonwealth, a State or another Territory of the Commonwealth and he sells, or intends to sell, the meat to the holder of a licence or a retailer;
- (b) he is the holder of an abattoir licence or processing licence and he sells, or intends to sell, the meat in accordance with his licence;
- (c) he is a retailer; or
- (d) he has purchased the meat from a retailer or the holder of an abattoir licence or processing licence and he sells, or intends to sell, the meat for immediate consumption in a cooked or marinated state.

(2) Subject to sub-section (3), no person shall purchase meat unless -

- (a) he is the holder of an abattoir licence or processing licence and he purchases the meat in accordance with his licence;

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- (b) he is a retailer and he purchases the meat from the holder of an abattoir licence or processing licence;
- (c) it is not intended for resale in the Territory; or
- (d) he purchases the meat from a retailer or the holder of an abattoir licence or processing licence and he sells, or intends to sell, the meat for immediate consumption in a cooked or marinated state.

(3) The holder of a licence or a retailer may purchase meat from a person who has brought the meat from outside the Territory where the meat is accompanied by a certificate from a prescribed meat inspection authority certifying that the meat is the product of an animal slaughtered or a carcass dressed, processed, marked, branded and labelled, in accordance with the law of the Commonwealth, a State or another Territory of the Commonwealth.

47. SLAUGHTERING, PROCESSING AND STORING

(1) No person, other than the holder of an abattoir licence, shall slaughter an animal or dress a carcass.

(2) No person, other than the holder of an abattoir licence or processing licence or a retailer, shall process meat unless -

- (a) it is not intended for resale in the Territory; or
- (b) he has purchased the meat from a retailer or the holder of an abattoir licence or processing licence and he intends to sell the meat for immediate consumption in a cooked or marinated state.

(3) No person, other than the holder of a cold store licence, shall store meat unless -

- (a) he does so in accordance with an abattoir licence or processing licence held by him or as a retailer;
- (b) he has purchased the meat from the holder of an abattoir licence or processing licence or a retailer; or
- (c) the meat is not intended for resale in the Territory.

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48. EVIDENCE OF INTENTION

For the purposes of this Part, other than section 49, evidence that a person had in his possession or under his control meat, other than -

- (a) under a licence held by him;
- (b) whilst transporting it as permitted under section 51; or
- (c) meat purchased from a retailer,

is prima facie evidence of his intention to sell the meat.

49. EMPLOYEES NOT LIABLE

Unless the contrary intention appears, an employee shall not be liable for an offence against this Act or the Regulations where the act or omission which would otherwise constitute the offence is performed in a reasonable manner for and on behalf of his employer who -

- (a) is the holder of a licence which entitles the holder to do the act or make the omission; and
- (b) does not intend that the act or omission should constitute an offence against this Act or the Regulations.

50. HINDERING INSPECTORS, &c.

No person shall -

- (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.

51. TRANSPORTING MEAT

No person shall transport meat unless he has purchased the meat from a retailer or -

- (a) he carries with him a certificate in the prescribed form issued on behalf of the Territory, or a certificate issued by a prescribed meat inspection authority, in relation to the meat;
- (b) he has complied with the prescribed conditions before transporting the meat; and
- (c) it is kept in a fresh, frozen or chilled state and under conditions which ensure that it does not deteriorate during transportation.

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52. ALTERING LICENSED MEAT ESTABLISHMENT

The holder of a licence shall not alter the licensed meat establishment to which his licence relates unless he has obtained the approval of the Chief Inspector to the alteration by applying for and being granted a variation of the licence under section 28.

53. PERSON WITH DISEASE

(1) No person who has reason to believe that he is infected with, or affected by, a prescribed disease shall enter, or remain at, a licensed meat establishment.

(2) The holder of a licence who has reason to believe that a person is infected with, or affected by, a prescribed disease shall not permit that person to enter, or remain at, the licensed meat establishment to which his licence relates.

54. SELLING CONDEMNED MEAT

No person shall sell or intend to sell as meat fit for human consumption a carcass, meat or other product derived from an animal where the carcass, meat or other product is, or has been condemned by an Inspector as, unfit for human consumption.

55. FALSELY IDENTIFYING MEAT

(1) No person shall sell meat with intent to deceive the buyer as to the true identity of the meat.

(2) No person shall incorrectly label meat.

56. OFFENCES GENERALLY

(1) No person shall contravene or fail to comply with 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 by this section, is punishable upon conviction by a penalty of \$5,000 or imprisonment for 2 years.

57. CONTINUING OFFENCES

A person who has been convicted of contravening or failing to comply with this Act or the Regulations is guilty of a further offence against this Act or the Regulations where the contravention or failure to comply continues after he has been so convicted and, upon conviction of the further offence, is punishable by a penalty of \$500 for each day during which the offence continues.

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PART IX - MISCELLANEOUS

58. INSTITUTION OF PROCEEDINGS

(1) Proceedings for an offence against this Act or the Regulations shall -

- (a) be dealt with in a court of summary jurisdiction; and
- (b) not be commenced without the consent in writing of the Chief Inspector.

(2) Consent under sub-section (1)(b) may be proved by the production of a notice in the prescribed form which purports to be signed by the Chief Inspector.

59. FURTHER POWER OF COURT

Where the holder of a licence, or his employee, is convicted of an offence against this Act or the Regulations, the court may, in addition to another penalty imposed upon the licensee or employee, cancel the licence.

60. CERTIFICATE

In proceedings for an offence against this Act or the Regulations, a certificate purporting to be signed -

- (a) by an Inspector that meat was unfit for human consumption; or
- (b) by 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 meat establishment was or was not, at a specified time, the subject of a licence of a specified type,

is prima facie evidence of the matter so certified.

61. 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 and in relation to -

- (a) the standards to be complied with in relation to the capacity, equipment and construction of licensed meat establishments;

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- (b) the cleansing and disinfecting of licensed meat establishments and the machinery and utensils used in such establishments and the maintenance of hygienic conditions in licensed meat establishments;
- (c) the quality and supply of water to licensed meat establishments;
- (d) the manner in which animals are to be slaughtered, carcasses dressed and meat processed;
- (e) the preservation of carcasses, skins, hides and feathers of animals slaughtered in a licensed abattoir, until approval is obtained to dispose of them;
- (f) the inspection of animal carcasses, offal and meat by an Inspector;
- (g) the destruction or disposal of an animal, carcass or meat, which is infected with a disease;
- (h) the use of drugs and chemicals in the treatment of animals prior to slaughter;
- (j) the treatment and sustenance of animals held at a licensed abattoir prior to slaughter;
- (k) the treatment, sale and other disposal of the by-products of slaughtering;
- (m) the manner in which meat is to be packed, refrigerated and stored at a licensed meat establishment;
- (n) the destruction or disposal of meat that has been produced or dealt with in contravention of this Act or the Regulations;
- (p) the prohibition of the slaughtering of animals included in a specified class of animal;
- (q) the making or application of tests for the detection of disease in animals intended to be slaughtered or in meat, for species determination or for the presence of drugs or chemicals;
- (r) the standards to be complied with in relation to vehicles used for, and the manner of, transporting meat and the refrigeration units in those vehicles;
- (s) the grading or branding of meat in respect of its quality;

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- (t) the manner in which carcasses, meat and edible offal shall be marked, labelled or packed;
- (u) the branding, marking and labelling of disposable containers, cartons or individual packs which contain meat for sale as fit for human consumption;
- (w) hours of work at a licensed meat establishment;
- (y) the form of applications, licences and certificates under this Act;
- (z) records and returns in relation to the operations of licensed meat establishments;
- (za) conditions to which a licence shall be subject;
- (zb) directions of an Inspector;
- (zc) the fees payable under this Act; and
- (zd) 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.

PART X - REPEAL AND TRANSITIONAL

62. REPEAL

The Acts listed in the Schedule are repealed.

63. TRANSITIONAL

(1) Subject to sub-section (2), Part VIII does not apply to or in relation to a person who was, immediately before the commencement of this Act, licensed under the *Abattoirs and Slaughtering Act* or carrying out an activity in respect of which a licence under this Act is required, until the expiration of 3 months after the commencement of this Act.

(2) Where, within 3 months after the commencement of this Act, a person referred to in sub-section (1) applies for a licence, Part VIII does not apply to or in relation to that person until -

- (a) the expiration of 28 days after the decision of the Chief Inspector in relation to the application for the licence; or
- (b) where the Chief Inspector has refused the application for the licence and the applicant has appealed to a Local Court against the decision

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of the Chief Inspector within the time specified in section 37 - the expiration of 28 days after the determination by the Court of the appeal.

(3) Where under sub-section (1) or (2) a person may carry on a business without being the holder of a licence for that activity, another person may sell or buy from him as if the first-mentioned person were the holder of a licence for that activity.

SCHEDULE

Section 62

ACTS REPEALED

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>

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