

WESTERN AUSTRALIAN
MEAT INDUSTRY
AUTHORITY.

No. 32 of 1982.

AN ACT to amend the Western Australian Meat Industry Authority Act 1976 and to repeal the Marking of Lamb and Hogget Act 1967-1975.

[Assented to 27 May 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Western Australian Meat Industry Authority Amendment Act 1982*.

Short title
and citation.

(2) In this Act the Western Australian Meat Industry Authority Act 1976 is referred to as the principal Act.

Act No. 75
of 1976.

(3) The principal Act as amended by this Act may be cited as the Western Australian Meat Industry Authority Act 1976-1982.

Commence-
ment.

2. This Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Long title
amended.

3. The long title of the principal Act is amended by inserting after "abattoirs," the following—

“ to regulate the branding of animal carcasses in respect of carcase definition, ” .

Section 3
amended.

4. Section 3 of the principal Act is amended by inserting after "PART IV.—APPROVAL OF ABATTOIRS." the following—

“ PART IVA.—BRANDING OF CARCASES. ” .

Section 5
amended.

5. Section 5 of the principal Act is amended by inserting, in their appropriate alphabetical positions, the following definitions—

“ “brand” includes any mark or stamp;

“carcase” means the whole, halved or quartered body of a slaughtered animal;

“inspector” means a person appointed under section 24G to be an inspector for the purposes of this Act;

“officer” means an officer employed in a Department under the Public Service Act 1978;

“package” includes sack, bag, barrel, carton, box, parcel or other container;

“premises” includes land and buildings and any vehicle or conveyance of any kind;

“prescribed abattoir” means an abattoir which is prescribed for the purposes of Part IVA under section 24A;

“prescribed animal” means a kind of animal which is prescribed for the purposes of Part IVA under section 24B; ” .

6. After section 5 of the principal Act, the following section is inserted— Section 5A inserted.

“ 5A. This Act binds the Crown. ” . Act to bind Crown.

7. Section 16 of the principal Act is amended— Section 16 amended.

(a) by deleting “and” at the end of paragraph (j);

(b) by deleting the full stop at the end of paragraph (k) and substituting the following—

“ ; and ” ;

(c) by inserting after paragraph (k) the following paragraphs—

“ (l) to advise the Minister on matters relating to the branding of animal carcasses; and

(m) to advise the Minister with respect to the implementation of schemes and practices for the branding of animal carcasses and with respect to regulations and other necessary prerequisites for such implementation ” .

Part IVA
inserted.

8. After Part IV of the principal Act the following Part is inserted—

“ PART IVA.—BRANDING OF CARCASSES.

Minister may
prescribe
abattoirs.

24A. (1) After consultation with the Authority, the Minister may, by notice published in the *Government Gazette*, prescribe abattoirs as prescribed abattoirs for the purposes of this Part.

(2) An abattoir may be prescribed under this section in relation to all animals slaughtered for human consumption in the State at the abattoir or in relation to a specified kind or specified kinds of animal so slaughtered.

(3) After consultation with the Authority, the Minister may, by notice published in the *Government Gazette*, cancel or vary a notice published under subsection (1) of this section.

Minister may
prescribe
animals.

24B. (1) After consultation with the Authority, the Minister may, by notice published in the *Government Gazette*, prescribe any kind of animal to be a prescribed animal for the purposes of this Part.

(2) After consultation with the Authority, the Minister may, by notice published in the *Government Gazette*, cancel or vary a notice published under subsection (1) of this section.

Duties of
owner of
prescribed
abattoir.

24C. (1) Subject to subsection (3) of this section, the owner of a prescribed abattoir shall ensure that every carcase of a prescribed animal slaughtered in that abattoir for human consumption in the State which carcase possesses the characteristics prescribed in relation to the branding of carcasses of that kind of animal—

(a) is branded in accordance with the requirements of the regulations;
and

- (b) except with the written permission of the Authority, is not branded in any manner other than or in addition to the manner provided for in the regulations,

before the carcase is removed from the abattoir.

Penalty: \$2 000.

(2) Subject to subsection (3) of this section, the owner of a prescribed abattoir shall ensure that no carcase of a prescribed animal slaughtered in that abattoir for human consumption in the State which carcase does not possess the characteristics prescribed in relation to the branding of carcasses of that kind of animal—

- (a) is branded in accordance with the requirements of the regulations applicable to the branding of carcasses which possess the characteristics prescribed in relation to the branding of carcasses of that kind of animal; and
- (b) except with the written permission of the Authority, is branded in any manner which describes or implies or purports to describe or imply the definition of the meat of the carcase,

before the carcase is removed from the abattoir.

Penalty: \$2 000.

(3) This section does not impose any obligation on the owner of a prescribed abattoir with respect to the carcase of an animal of a kind in relation to which that abattoir is not under section 24A a prescribed abattoir.

Branding of
carcasses
outside
abattoir.

24D. Except under and in accordance with the written permission of the Authority, no person shall brand the carcase of a prescribed animal slaughtered for human consumption in the State except on the premises of an abattoir which is a prescribed abattoir under section 24A in relation to that kind of animal.

Penalty: \$2 000.

Duties of
importer of
carcasses.

24E. (1) A person who brings or causes to be brought into the State the carcase of a prescribed animal which, having been slaughtered outside the State, is brought into the State for the purposes of sale for human consumption in the State shall ensure that every such carcase—

- (a) is branded in accordance with the requirements of the regulations applicable to such carcasses so brought into the State; and
- (b) except with the written permission of the Authority, is not branded in any manner other than or in addition to the manner so provided for in the regulations,

before the sale of the carcase for human consumption in the State.

Penalty: \$2 000.

Manufacture
of branding
devices etc.

24F. (1) The Authority may, by permission in writing—

- (a) permit a person to manufacture branding devices of the type, size, and description specified in the permission;
- (b) permit an owner to use, subject to this Act, such a branding device as is specified in the permission.

(2) The Authority may, by notice in writing, revoke or vary any permission given by it under subsection (1) of this section.

- (3) A person who—
- (a) manufactures a branding device without the written permission of the Authority;
 - (b) not having the written permission of the Authority to use a branding device, has a branding device in his possession, custody or control; or
 - (c) issues a branding device manufactured by him, or causes or permits such a branding device, to be issued to a person without having first ascertained from the Authority that that person is authorized by the Authority to use the branding device,

commits an offence.

Penalty: For a first offence \$500, for a subsequent offence \$1 000.

(4) In this section “branding device” means any device that is capable of being used with an ink or stain to produce on a carcase a brand or brands which describes or implies or purports to describe or imply the definition of the meat of the carcase.

24G. (1) The Minister may appoint ^{Inspectors.} persons who are officers to be inspectors for the purposes of this Act.

(2) Every person appointed under subsection (1) of this section shall be furnished with a certificate of his appointment, signed by either the Minister or an officer authorized by the Minister to sign the certificate on his behalf, and shall, if requested to do so, produce that certificate to any person in relation to whom or in the presence of whom he is about to exercise any of his powers under this Act or the regulations.

Powers of inspectors.

24H. (1) An inspector may for the purposes of this Act at any time enter the premises of an abattoir or any premises at which meat is stored or is sold or offered for sale and while on such premises may—

- (a) examine the carcasses of any prescribed animals on the premises;
- (b) supervise and monitor the application of brands to carcasses of prescribed animals;
- (c) weigh, count, measure or mark any such carcass;
- (d) examine any branding device on the premises.

(2) An inspector may examine and open any package on the premises of a prescribed abattoir which he has reason to suspect contains a branding device, or carcasses or portions of carcasses of prescribed animals.

Obstruction of inspectors.

24I. A person who obstructs or interferes with an inspector in the execution of his powers or duties under this Act or the regulations commits an offence.

Penalty: \$1 000. ” .

Section 27 repealed and substituted.

Regulations.

9. Section 27 of the principal Act is repealed and the following section is substituted.

“ 27. (1) The Governor may, after consultation with the Authority, make regulations prescribing all matters that are by this Act required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act and facilitating the exercise by the Authority of its powers, functions and duties under this Act and in particular—

- (a) prescribing the powers and duties of inspectors;

- (b) prescribing duties imposed on owners of prescribed abattoirs;
- (c) prescribing duties imposed on persons bringing or causing to be brought into the State the carcasses of prescribed animals for the purposes of sale for human consumption in the State;
- (d) regulating the branding of the carcasses of prescribed animals;
- (e) regulating the branding of carcasses of prescribed animals brought into the State for the purposes of human consumption in the State;
- (f) regulating the grant of authority to manufacture and to use branding devices;
- (g) regulating the branding of carcasses which before or after slaughter were subjected to some specialized treatment intended to affect quality;
- (h) providing for the making of returns and the supply of information to the Authority by owners of abattoirs;
- (i) providing that contravention or failure to comply with a regulation constitutes an offence and prescribing a penalty not exceeding a fine of \$500 for any offence against the regulations.

(2) Regulations may be made under this section—

- (a) so as to apply—
 - (i) generally or in a particular class of case or in particular classes of cases;
 - (ii) throughout the State or in a specified part or parts of the State;

- (b) so as to require a matter affected by them to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority; and
- (d) so as to provide that, in specified cases or in a specified class of cases, either subject to specified conditions or unconditionally, persons or things of a class or classes may be exempted from the provisions of the regulations, either wholly or to such extent as is specified.

(3) In subsection (2), "specified" means specified in the regulations. " "

Repeal of
Marking of
Lamb and
Hogget Act
1967-1975.

10. The Marking of Lamb and Hogget Act 1967-1975 is repealed.
