

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY.

No. 75 of 1976.

AN ACT to establish the Western Australian Meat Industry Authority, to provide for a system of approval of abattoirs, to repeal the Meat Industry (Treatment Works) Licensing Act, 1937, and for incidental and other purposes.

[Assented to 18th October, 1976.]

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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Western Australian Meat Industry Authority Act, 1976.* Short title.
2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation. Commencement.

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Arrange-
ment.

3. This Act is divided into Parts, as follows—

PART I.—PRELIMINARY.

PART II.—CONSTITUTION OF THE AUTHORITY.

PART III.—FUNCTIONS OF THE AUTHORITY.

PART IV.—APPROVAL OF ABATTOIRS.

PART V.—MISCELLANEOUS.

Repeal.

4. The Meat Industry (Treatment Works) Licensing Act, 1937 is hereby repealed.

Interpreta-
tion.

5. In this Act, unless the contrary intention appears—

“abattoir” means any premises or place used for or in connection with the slaughtering of animals for sale for human consumption and includes holding yards and the like places used in or in connection with the slaughtering of those animals;

“animal” means any bovine, ovine, porcine or caprine creature and any other animal of a kind used for the food of man that is declared pursuant to section 6 to be an animal for the purposes of this Act;

“Authority” means the Western Australian Meat Industry Authority established by this Act;

“Chairman” means the Chairman of the Authority;

“Deputy Chairman” means the Deputy Chairman of the Authority;

“member” means a member of the Authority;

“owner” includes, with respect to an abattoir, any person who is the manager thereof or who is the employer of persons working at the abattoir;

“sale”, without limiting the scope of the primary meaning, includes—

- (a) offering, exposing, receiving, supplying or possessing for the purposes of sale;
- (b) placing on the market for sale;
- (c) bargaining, barter, exchange, loaning or giving;
- (d) agreeing to sell;
- (e) sending or delivering for sale or on sale; and
- (f) authorizing, directing, causing, permitting or suffering any act referred to in paragraph (a), (b), (c), (d) or (e) of this interpretation;

“section” means section of this Act.

6. The Minister may from time to time by notice published in the *Government Gazette*— Application.

- (a) declare any kind of animal (not of the bovine, ovine, porcine or caprine kind) used for the food of man to be an animal for the purposes of this Act; and
- (b) vary or revoke any declaration made under paragraph (a) of this section.

PART II.—CONSTITUTION OF THE AUTHORITY.

7. (1) For the purposes of this Act there shall be established an authority to be known as the Western Australian Meat Industry Authority. The Authority.

(2) The Authority shall, in the exercise and discharge of its powers, authorities, duties and functions, be subject in all respects to the control and direction of the Minister.

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Membership
of the
Authority.

8. (1) The Authority consists of seven members appointed by the Governor of whom—

- (a) one shall be the Director of Agriculture or an officer of the Department of Agriculture nominated for appointment by the Director of Agriculture;
- (b) one shall be representative of the interests of Government abattoirs;
- (c) one shall be representative of the interests of private abattoirs;
- (d) one shall be representative of the interests of the wholesale and retail meat industry;
- (e) two shall be representative of the interests of producers of meat; and
- (f) one shall be representative of the interests of persons directly employed in the processing of meat at abattoirs.

(2) The Chairman and Deputy Chairman of the Authority shall be appointed by the Governor from amongst the members of the Authority.

(3) The Governor may, in respect of each member, appoint a person representative of the same interests as that member to be his deputy.

Term of
office.

9. (1) Subject to subsections (2) and (3) of this section, a member shall hold office for such period, not exceeding three years, as is specified in the instrument under which he is appointed, but is eligible for re-appointment.

(2) Any member may, at any time, resign his office by a written notice addressed to the Minister.

(3) The Governor may at any time for cause revoke the appointment of a member and thereupon the person shall cease to be a member.

(4) If the office of any member becomes vacant otherwise than by effluxion of time, the vacancy in office shall be filled in the manner in which the appointment to the vacant office was originally made and representative of the same interests, and the person appointed to that office shall be appointed for the residue of the term for which his predecessor was appointed.

(5) The Minister may grant leave of absence to a member upon such terms and conditions as he determines.

10. Subject to this Act, the meetings of the Authority shall be conducted in such manner as the Authority determines. Conduct of meetings.

11. The first meeting of the Authority shall be convened by the Chairman and thereafter meetings shall be held at the times and places determined by the Authority, but the Chairman, or any two members, may, on reasonable notice to all members, call a meeting at any time. Meetings of the Authority.

12. (1) At a meeting of the Authority, five members constitute a quorum. Proceedings of the Authority.

(2) The Chairman shall preside at every meeting of the Authority at which he is present but if the Chairman is not present at a meeting the Deputy Chairman shall preside and in the absence of both the Chairman and the Deputy Chairman the other members present shall select one of their number to act as Chairman.

(3) Questions arising at a meeting of the Authority shall be decided, in open voting, by a majority of the votes of members present thereat.

(4) The deputy of a member has, at any meeting of the Authority at which he but not the member for whom he is the deputy is present, all the powers and functions of that member.

(5) The person presiding at a meeting of the Authority has a deliberative vote only and, if the votes of members present at a meeting and voting on a question are equally divided, the question shall be decided in the negative.

(6) The powers of the Authority are not affected by any vacancy in the membership thereof, and if a quorum is present all acts and proceedings of the Authority are valid and effectual notwithstanding the vacancy.

(7) The Authority shall keep a record of its proceedings.

Remunera-
tion and
expenses of
members and
their
deputies.

13. The members of the Authority and their deputies (other than the members referred to in paragraphs (a) and (b) of subsection (1) of section 8 and the deputies of those members) shall be entitled to receive such fees and allowances as are determined by the Governor.

Protection
of
members
and their
deputies.

14. A person who is or has been a member or a deputy of a member is not personally liable for any act done in good faith by the Authority or by him while he is or was acting as a member or deputy.

Staff of the
Authority.

15. (1) There may be appointed under and subject to the Public Service Act, 1904 such officers and employees as are necessary to assist the Authority in the administration of this Act.

(2) With the consent of the Minister administering a department of the Public Service of the State and of the Public Service Board, the Authority may, on such terms and conditions as are agreed between it and the Minister, use the services of a person employed in that department.

PART III.—FUNCTIONS OF THE AUTHORITY

16. The functions of the Authority shall be—

Functions
of the
Authority.

- (a) to survey and keep under review the facilities available in the State for the slaughter of animals;
- (b) to record in respect of each abattoir its effective capacity and actual performance;
- (c) to advise the Minister on future abattoir requirements in relation to the overall slaughtering capacity of the State and to recommend to the Minister in this respect the location of such abattoirs to ensure the efficient functioning of the meat industry;
- (d) to approve all premises where animals are slaughtered for sale for human consumption;
- (e) to make recommendations to the Minister in relation to the provision and operation of public meat markets;
- (f) to encourage research directed towards the improvement of abattoir design, operation and practice;
- (g) to encourage the dissemination of information to the meat industry so as to promote efficiency in the handling and transportation of animals and of meat products;
- (h) to keep under review meat marketing and the marketing of animals in so far as such marketing may affect the meat industry in the State and in particular through consultation with relevant sections of the industry to keep under review trends and developments therein;
- (i) to advise the Minister on methods of overcoming areas of conflicting interest within the meat and livestock industries;
- (j) to carry out any functions that it is required to carry out by this Act; and

- (k) to report to the Minister on any matter relating to the meat industry referred to it by the Minister or on any matter that it considers necessary.

PART IV.—APPROVAL OF ABATTOIRS.

Construction
and
operation of
abattoirs.

17. (1) A person shall not construct or operate an abattoir without the prior written approval of the Authority.

(2) On application being made to it in the prescribed form the Authority may, subject to this Act, grant to the applicant its approval to operate an abattoir on and in the premises specified in the approval.

Conditions
of
approval.

18. The Authority may grant its approval subject to such conditions and restrictions as it sees fit to impose, and without prejudice to the generality of the foregoing, an approval may be granted subject to conditions or restrictions which regulate or prohibit the slaughter of specified animals having regard to the plant and equipment in the abattoir to which the approval relates.

Grounds of
refusal to
grant
approval.

19. The Authority may refuse to grant approval under section 17—

- (a) if an applicant for approval or the owner of the abattoir in respect of which the application is made has been convicted of an offence against this Act;
- (b) if the Authority determines that the application should be refused having regard to—
- (i) the provisions of any planning scheme or interim development or land usage order made, prescribed or issued by or under any Act;

- (ii) the unsuitability of the applicant or the lack of merit in the application;
- (iii) the location of the site to which the application relates and its unsuitability as an abattoir;
- (iv) the existence in the district to be served by a proposed abattoir of adequate facilities for the slaughtering of animals;
- (v) the relationship of the proposed site for the abattoir to rail or transport facilities, saleyards and markets; or
- (vi) any matters prescribed for the purposes of this Part.

20. The Authority may revoke its approval for an abattoir—

Revocation
of
approval.

- (a) for breach of any condition or restriction to which the approval is subject;
- (b) on any ground specified in section 19 as a ground for refusing an application for approval; or
- (c) at the request of the person to whom the approval was granted.

21. (1) A person shall not carry out any structural alterations or additions to an abattoir which may affect its through-put or capacity without the prior written approval of the Authority.

Alterations
or additions
to
abattoirs.

(2) Where application is made to the Authority for approval for structural alterations or additions to an abattoir the Authority may, having regard to the facilities available for the slaughtering of animals in the area, refuse to give that approval.

Appeal to
Minister
against
refusal of
approval.

22. (1) Where the Authority refuses an application for approval of an abattoir or an application for approval of structural alterations or additions to an abattoir or where the Authority imposes conditions or restrictions in respect of an approval, the applicant on being notified by the Authority may within the prescribed time appeal to the Minister against the decision.

(2) On an appeal the Minister may confirm, revoke or vary the decision of the Authority and the Authority shall give effect to the decision of the Minister as if it were its own decision.

Offence.

23. A person shall be guilty of an offence against this Act—

- (a) if he constructs or operates an abattoir for which there is no current approval under the provisions of section 17;
- (b) if he operates an abattoir otherwise than in accordance with the conditions or restrictions in force for the approval issued in respect of that abattoir;
- (c) if he makes, or causes or permits to be made, any false or misleading statement or representation in or in connection with any application made for the purpose of section 17 or section 21 or in any return furnished pursuant to section 25.

Compliance
with
other
Acts, etc.

24. An approval granted under this Part shall not be construed as authorizing the erection, alteration, or operation of an abattoir contrary to any other Act or any regulation, rule or by-law made under any other Act.

PART V.—MISCELLANEOUS.

Returns.

25. The owner of an abattoir shall make returns to the Authority at such times and containing such particulars as may be prescribed.

26. (1) A person who contravenes or fails to comply with a provision of this Act shall be guilty of an offence against this Act. Offences
and
penalty.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding one thousand dollars.

27. The Governor may make regulations prescribing all such matters as by this Act are required or permitted to be prescribed, or as may be 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. Regulations.
