

MARKING OF LAMB AND HOGGET.

No. 71 of 1967.

AN ACT to regulate the marking of the carcasses of sheep as lamb or hogget, to regulate the sale as lamb or hogget of the meat of sheep, and for incidental and other purposes.

[Assented to 5th December, 1967.]

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. This Act may be cited as the *Marking of Lamb and Hogget Act, 1967.* Short title.
2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpreta-
tion.

3. In this Act unless the contrary intention appears—

“abattoir” means a place kept for the slaughter of sheep and the appurtenances to such a place and includes an abattoir established under the Abattoirs Act, 1909 and any other place in respect of which a person holds a licence under that Act;

“approved” means approved by the Minister;

“carcass” means the body of a sheep that has had its head, wool, outer skin and offal removed;

“Controller” means the Controller of Abattoirs appointed under the Abattoirs Act, 1909 and a person for the time being carrying out the duties of the Controller during any absence, illness or incapacity of the Controller;

“hogget” means a sheep that has two central permanent incisors showing and no other permanent incisors showing;

“inspector” means—

- (a) an inspector appointed under Part II of the Health Act, 1911;
- (b) the Controller;
- (c) an inspector appointed under section seven of this Act;

“lamb” means a sheep that has its temporary teeth intact;

“mark” means mark as lamb or hogget;

“proprietor” means the owner or proprietor solely, jointly or in severalty of an abattoir, and the authorised agent or manager of a proprietor;

“sheep” means a ram, ewe, or wether slaughtered for human consumption.

4. (1) A proprietor may mark a sheep for the purposes of this Act in the following manner—

Marking of
sheep as lamb
or hogget.

- (a) before the head is removed from the sheep, and before the sheep is removed from the floor where it is slaughtered, the proprietor shall cause the sheep to be mouthed in the presence of an inspector so as to determine whether it is lamb or hogget or neither lamb nor hogget;
- (b) where it is determined from the mouthing carried out in accordance with paragraph (a) of this subsection that the sheep is lamb, the sheep may be marked as lamb in the manner set out in paragraphs (d) and (e) of this subsection;
- (c) where it is determined from the mouthing carried out in accordance with paragraph (a) of this subsection that the sheep is hogget, the sheep may be marked as hogget in the manner set out in paragraphs (d) and (e) of this subsection;
- (d) the mark shall consist of the word "lamb" or the word "hogget" as the case requires in accordance with paragraph (b) or (c) of this subsection, together with the expression that is approved for the use of the proprietor for the purpose of identifying the proprietor's abattoir, and every letter, figure or symbol in the mark shall be not less than one-half inch in height;
- (e) the marking shall be effected by so applying the mark with an approved ink or stain as to produce a continuous series of words and identifying expressions on each outer side of the carcass from the neck to the rump;
- (f) the proprietor shall use, for the purpose of effecting the marking specified in paragraph (e) of this subsection, the marking device approved for the use of the proprietor at the place of marking.

Offences
re marking.

- (2) Any person who anywhere within the State—
- (a) marks a sheep or meat of a sheep as lamb or hogget; or
 - (b) causes or permits a sheep or meat of a sheep to be marked as lamb or hogget,
- commits an offence unless—
- (c) the marking is carried out in accordance with the provisions of subsection (1) of this section; or
 - (d) the sheep or the meat of the sheep was at the time of marking, intended for export from the State and was subsequently exported.

Penalty: For a first offence, one hundred dollars; for a second or subsequent offence two hundred dollars.

Manufacture
of marking
devices, etc.

5. (1) The Minister may, by authority in writing—
- (a) authorise a person to manufacture marking devices of the type, size and description specified in the authority;
 - (b) authorise a proprietor to use, subject to this Act, such a marking device as is specified in the authority.
- (2) The Minister may, by notice in writing, vary or revoke any authority given by him under subsection (1) of this section.
- (3) Any person who—
- (a) without the written authority of the Minister manufactures a marking device;
 - (b) not having the written authority of the Minister to use a marking device, has a marking device in his possession, custody or control; or

- (c) issues a marking device manufactured by him to, or causes or permits such a marking device to be issued to, a person without having first ascertained from the Controller that that second mentioned person is authorised by the Minister to use such a marking device,

commits an offence.

Penalty: For a first offence, one hundred dollars; for a second or subsequent offence two hundred dollars.

(4) In subsection (3) of this section "marking device" means any device that is capable of being used with an ink or stain to produce on the carcass of the sheep a mark similar to that described in paragraphs (d) and (e) of subsection (1) of section 4 of this Act.

6. (1) A person shall not—

- (a) sell as lamb, or offer for sale as lamb, a sheep slaughtered in the State, or any meat taken from a sheep slaughtered in the State, unless the sheep or the sheep from which the meat was taken, as the case requires, is marked as lamb in accordance with the provisions of subsection (1) of section four of this Act;
- (b) sell as hogget, or offer for sale as hogget, any sheep slaughtered in the State, or any meat taken from a sheep slaughtered in the State, unless the sheep or the sheep from which the meat was taken, as the case requires, is marked as hogget in accordance with the provisions of subsection (1) of section four of this Act.

Offences re
sale, etc., of
unmarked
sheep as
lamb or
hogget.

Penalty: For a first offence, one hundred dollars; for a second or subsequent offence two hundred dollars.

(2) The Governor may from time to time by proclamation declare that subsection (1) of this section does not apply to the area or areas of the State specified in the proclamation and may by subsequent proclamation vary or revoke any proclamation made under this subsection.

Appointment
of Inspectors.

7. The Minister may appoint persons to be inspectors for the purposes of this Act.

Powers of
Inspector.

8. An inspector may at any time enter any abattoir or any place at which meat is stored or is sold or offered for sale for the purposes of ascertaining whether the provisions of this Act are being complied with.

Offence to
obstruct an
Inspector.

9. A person who obstructs an inspector in the exercise of powers or duties of that inspector under this Act commits an offence.

Penalty: One hundred dollars for a first offence; two hundred dollars for a second or subsequent offence.

This Act to
prevail.
"This Act"
includes
regulations.
Cf. No. 30 of
1918.

10. Where any provision of this Act is inconsistent with any provision of the Abattoirs Act, 1909, or any regulation made under that Act, the provision or provisions of this Act shall, to the extent of inconsistency prevail.

Penalties.
"This Act"
includes
regulations.
Cf. No. 30 of
1918.

11. A person who is guilty of an offence against this Act for which no specific penalty is provided is liable to a penalty of one hundred dollars.

Power to
make
regulations.

12. The Governor may make regulations prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act and facilitating the exercise of powers conferred by this Act and in particular but without limiting the generality of the foregoing, may make regulations—

- (a) prescribing forms that are necessary or expedient for the purposes of this Act;
- (b) regulating the keeping of marking devices in safe custody.