

Western Australia

**Western Australian Meat Industry Authority
Act 1976**

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Western Australian Meat Industry Authority Act 1976

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Western Australia

Western Australian Meat Industry Authority Act 1976

An Act to establish the Western Australian Meat Industry Authority, to provide for a system of approval of abattoirs, to regulate the branding of animal carcasses in respect of carcass definition, to repeal the *Meat Industry (Treatment Works) Licensing Act 1937*, and for incidental and other purposes.

[Long title amended by No. 32 of 1982 s. 3.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Western Australian Meat Industry Authority Act 1976*¹.

2. Commencement

The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation¹.

[3. *Repealed by No. 10 of 1998 s. 76.*]

4. Repeal

The *Meat Industry (Treatment Works) Licensing Act 1937* is hereby repealed.

5. Interpretation

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 cattle, sheep, pigs, and goats and also includes any other animal declared under section 6 to be a kind of animal to which this Act applies;

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

“**brand**” includes any mark or stamp;

“**carcase**” means the body of a slaughtered animal and includes a reference to the meat, or any other part of the animal, obtained from the body;

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

- “declared animal”** means a kind of animal which is declared for the purposes of Part IVA under section 24B;
- “Deputy Chairman”** means the Deputy Chairman of the Authority;
- “Director General”** means the person holding or acting in the office of Director General of the Department of Agriculture;
- “Fund”** means the Western Australian Meat Industry Authority Fund established under section 15B(1);
- “inspector”** means a person appointed under section 24G to be an inspector for the purposes of this Act;
- “meat”** means the carcass, or any portion of the carcass, of an animal which has been slaughtered, and is intended to be used, for human consumption, whether fresh or subjected to chilling, freezing, preserving, salting or any other process of manufacture or preservation, and includes any brine or other liquid in which it is preserved;
- “member”** means a member of the Authority;
- “Midland Saleyard”** means the saleyards formerly maintained and managed by the Western Australian Meat Commission and formerly an adjunct to the Midland Junction Abattoir;
- “officer”** means a public service officer employed in a Department under the *Public Sector Management Act 1994*²;
- “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;
- “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;

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

“processing works” includes any boning room, smallgoods manufacturing facility, or other place where carcasses are processed, in so far as it operates otherwise than by way of retail trading;

“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) authorising, directing, causing, permitting or suffering any act referred to in paragraph (a), (b), (c), (d) or (e) of this interpretation;

“saleyard” means a place, whether or not a reserve, where animals are held pending or for the purpose of sale.

[Section 5 amended by No. 32 of 1982 s. 5 (as amended by No. 7 of 1984 s. 6); No. 32 of 1993 s. 13; No. 32 of 1994 s. 19.]

5A. Act to bind Crown

This Act binds the Crown.

[Section 5A inserted by No. 32 of 1982 s. 6.]

6. Application

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

- (a) declare any kind of livestock, being a kind to which this Act would not otherwise apply but which is to be used for human consumption, to be an animal to which this Act applies; and

- (b) vary or revoke any declaration made under paragraph (a).

[Section 6 amended by No. 32 of 1993 s. 14.]

Part II — Constitution of the Authority

7. The Authority

- (1) For the purposes of this Act there shall be established an authority to be known as the Western Australian Meat Industry Authority.
- (1a) The Authority is a body corporate with perpetual succession.
- (1b) Proceedings may be taken by or against the Authority in its corporate name.
- (2) The Authority shall, in the exercise and discharge of its powers, authorities, duties and functions, be subject in all respects to the control of the Minister.
- (3) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or with respect to a particular matter, and the Authority shall, subject to this Act, give effect to any such direction.
- (4) Subsection (3) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

[Section 7 amended by No. 32 of 1993 s. 15; No. 46 of 1998 s. 4.]

8. Membership of the Authority

- (1) The Authority consists of —
 - (a) the Director General, or an officer of the Department of Agriculture nominated by the Director General; and
 - (b) 7 other members, appointed by the Minister, of whom —
 - (i) one shall be appointed as a representative of the Minister;
 - (ii) 2 shall be appointed to represent the interests of private abattoirs;

- (iii) one shall be appointed to represent the interests of the meat industry, wholesale and retail;
 - (iv) 2 shall be appointed to represent the interests of producers of meat; and
 - (v) one shall be appointed to represent 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 Minister from amongst the members of the Authority.
- (3) The Minister may, in respect of each member, appoint a person representative of the same interests as that member to be his deputy.

[Section 8 amended by No. 32 of 1993 s. 16.]

9. Term of office

- (1) Subject to section 8(1)(a) and subsections (2) and (3) of this section, a member shall hold office for such period, not exceeding 3 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 Minister 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.

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

[Section 9 amended by No. 32 of 1993 s. 17.]

10. Conduct of meetings

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

11. Meetings of the Authority

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 2 members, may, on reasonable notice to all members, call a meeting at any time.

12. Proceedings of the Authority

- (1) At a meeting of the Authority, 4 members constitute a quorum.
- (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.
[Section 12 amended by No. 32 of 1993 s. 18.]

12A. Minister to have access to information

- (1) The Minister is entitled —
 - (a) to have information in the possession of the Authority;
and
 - (b) where the information is in or on a document, to have, and make and retain copies of, that document.
- (2) For the purposes of subsection (1) the Minister may —
 - (a) request the Authority to furnish information to the Minister;
 - (b) request the Authority to give the Minister access to information;
 - (c) for the purposes of paragraph (b) make use of the staff and facilities of the Authority to obtain the information and furnish it to the Minister.
- (3) The Authority shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.
- (4) In this section —
 - “**document**” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;
 - “**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Authority.

[Section 12A inserted by No. 32 of 1993 s. 19.]

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13. Remuneration and expenses of members and their deputies

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

14. Protection of members and their deputies

(1) 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.

(2) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

[Section 14 amended by No. 46 of 1998 s. 5.]

15. Staff of the Authority

(1) There may be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* 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 employing authority, within the meaning of the *Public Sector Management Act 1994*, of that person, 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.

[Section 15 amended by No. 32 of 1994 s. 19.]

Part IIA — Financial provisions

[Heading inserted by No. 46 of 1998 s. 6.]

15A. Application of *Financial Administration and Audit Act 1985*

- (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.
- (2) The text of any direction given under section 7(3) shall be included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

[Section 15A inserted by No. 32 of 1993 s. 20.]

15B. Cost of administration

- (1) There shall be established and kept —
 - (a) at the Treasury, as an account forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
 - (b) with the approval of the Treasurer, at a bank,
an account to be called the “Western Australian Meat Industry Authority Fund”, and the cost of the administration of this Act, and of the control or management of any abattoir, saleyard or other undertaking or activity assumed by the Authority, shall be charged to that account.
- (2) There shall be credited to the Fund —
 - (a) any money derived from the control or management of any abattoir, saleyard undertaking or other activity assumed by the Authority;
 - (aa) moneys borrowed by the Authority under section 15C or 15D; and

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- (b) all other money lawfully received, or made available, given or payable, for the purposes of this Act.
- (3) The Fund may be used —
 - (a) to meet the costs of the administration of this Act, including any expense incidental to the administration of the Fund;
 - (aa) for the payment of interest on, fees payable in respect of and repayments of moneys borrowed by the Authority under section 15C or 15D;
 - (b) for the payment of any expense directly connected with the control or management of any abattoir, saleyard, undertaking or other activity assumed by the Authority, so far as the Authority may be liable for payment; and
 - (c) for any other expenditure lawfully incurred under and for the purposes of this Act.

[Section 15B inserted by No. 32 of 1993 s. 20; amended by No. 49 of 1996 s. 64; No. 46 of 1998 s. 7.]

15C. Borrowing from Treasurer

The Authority may borrow from the Treasurer such amounts as the Treasurer approves on such terms and conditions relating to repayment and payment of interest as the Treasurer imposes.

[Section 15C inserted by No. 46 of 1998 s. 8.]

15D. Other borrowing

- (1) In addition to its powers under section 15C, the Authority may with the prior written approval of the Treasurer and on such terms and conditions as the Treasurer approves, borrow moneys for the purpose of performing its functions.
- (2) Any moneys borrowed by the Authority under subsection (1) may be raised —
 - (a) as one loan or as several loans; and
 - (b) in such manner as the Treasurer approves.

- (3) The total amount of the moneys so borrowed in any one financial year is not to exceed such amount as the Treasurer approves.

[Section 15D inserted by No. 46 of 1998 s. 8.]

15E. Guarantee by Treasurer

- (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee the payment of any moneys payable by the Authority in respect of moneys borrowed by it under section 15D.
- (2) A guarantee is to be in such form and contain such terms and conditions as the Treasurer determines.
- (3) Before a guarantee is given the Authority is to —
- (a) give to the Treasurer such security as the Treasurer requires; and
 - (b) execute all instruments that are necessary for the purpose.

[Section 15E inserted by No. 46 of 1998 s. 8.]

15F. Effect of guarantee

- (1) The due payment of moneys payable by the Treasurer under a guarantee given under section 15E is to be —
- (a) made by the Treasurer; and
 - (b) charged to, and paid out of, the Consolidated Fund,
- and this subsection appropriates that Fund accordingly.
- (2) The Treasurer is to cause to be credited to the Consolidated Fund any amounts received or recovered from the Authority or otherwise in respect of any payment made by the Treasurer under a guarantee given under section 15E.

[Section 15F inserted by No. 46 of 1998 s. 8.]

Part III — Functions of the Authority

16. Functions of the Authority

- (1) The functions of the Authority are —
- (a) to survey and keep under review the establishments and facilities available in the State for the sale of livestock and the slaughter of animals, and for the processing of carcasses, for human consumption;
 - (b) to review the operation of abattoirs and processing works, including —
 - (i) inspecting, and where appropriate approving, the premises and facilities, and the conduct of operations there; and
 - (ii) recording in respect of each establishment its effective capacity and actual performance;
 - (c) to implement schemes and practices for the branding of any carcasses or meat, which may include practices to define or identify its —
 - (i) source;
 - (ii) method of production;
 - (iii) processing treatment;
 - (iv) quality; or
 - (v) other characteristics;
 - (d) to assume responsibility for, or arrange for the management of —
 - (i) Midland Saleyard, or any other undertaking, establishment or facility in the meat industry that the Minister declares, by notice published in the *Government Gazette*, to be a replacement for Midland Saleyard; and
 - (ii) if the Minister so directs and subject to subsection (2), any other undertaking, establishment or facility in the meat industry;

- (e) to encourage and promote improved efficiency throughout the meat industry;
 - (f) to advise the Minister generally, and in particular as to —
 - (i) methods of overcoming areas of conflicting interest within the meat and livestock industries;
 - (ii) future requirements for saleyards, abattoirs and processing works, particularly in relation to the overall slaughtering capacity of the State and the location of those establishments; and
 - (iii) any matter relating to the meat industry referred to it by the Minister, or any matter that it considers necessary;
- and
- (g) to carry out such other functions as are required to give effect to this Act generally, in relation to saleyards, abattoirs, processing works and other facilities, undertakings or activities in the meat industry.
- (2) The Minister may give the Authority a direction under subsection (1)(d)(ii) only if the Minister is satisfied that the meat industry will suffer substantial loss or substantial disruption unless the Authority assumes responsibility for, or arranges for the management of, the undertaking, establishment or facility concerned.
- (3) The Minister is to specify in a direction under subsection (1)(d)(ii) the period, not exceeding 2 years, during which the Authority is to assume responsibility for, or arrange for the management of, the undertaking, establishment or facility concerned.
- (4) The Minister may from time to time, by a direction given to the Authority, extend the period referred to in subsection (3) by a period not exceeding 12 months.

s. 16A

*[Section 16 inserted by No. 32 of 1993 s. 21; amended by
No. 46 of 1998 s. 9; No. 70 of 2003 s. 56.]*

16A. Powers

- (1) The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting subsection (1) or the other powers conferred on the Authority by this Act, the Authority may —
 - (a) acquire, hold, manage, improve, develop and dispose of real and personal property;
 - (b) enter into any contract or arrangement;
 - (c) with the approval of the Minister, and subject to subsection (3) —
 - (i) participate in any business arrangement; and
 - (ii) acquire, hold and dispose of units or other interests in, or relating to, any business arrangement;and
 - (d) appoint agents or engage persons under contracts for services to provide professional, technical or other assistance to the Authority.
- (3) The Authority shall not exercise its powers under subsection (2)(c) except for the purpose of, or in relation to, the performance of its functions under section 16(1)(d) or (e).
- (4) In exercising any power under this section the Authority may act in conjunction with —
 - (a) any person or firm, or a public authority; or
 - (b) any department of the Public Service or any agency of the State or the Commonwealth.
- (5) In this section —

“acquire” includes taking on lease or licence or in any other manner in which an interest in property may be acquired;

“business arrangement” means a partnership, a trust, a joint venture or an arrangement for sharing profits;

“dispose of” includes dispose of by way of lease;

“participate” includes form, promote, establish, enter into, manage, dissolve, wind up and do anything incidental to participating in a business arrangement.

[Section 16A inserted by No. 46 of 1998 s. 10.]

16B. Authority to apportion expenditure, liabilities and benefits

(1) In this section —

“expenditure” includes the costs of administration, provision for reserves, depreciation and the repayment of loans.

(2) The Authority shall, in such manner as it considers appropriate, apportion between —

- (a) its operations relating to its functions under section 16(1)(d); and
- (b) its operations relating to its other functions,

any expenditure or liability incurred or moneys or other benefit received in respect of a transaction which does not relate exclusively to operations of a particular kind.

(3) If any asset which is derived solely from the operations referred to in a paragraph of subsection (2) is employed wholly or partly for the benefit of the operations referred to in the other paragraph of that subsection, the Authority shall make an appropriate charge for the asset for the credit of the operations from which the asset is derived.

(4) Nothing in this section shall be construed as precluding the Authority from employing any moneys or other asset, however derived, for the general purposes of the Authority or for a

s. 16C

purpose that relates exclusively to its operations of a particular kind.

[Section 16B inserted by No. 46 of 1998 s. 10.]

16C. Delegation

- (1) The Authority may, by instrument in writing, delegate the performance of any of its functions under section 16(1)(d).
- (2) A delegation under subsection (1) may be made —
 - (a) to a member or members of the Authority;
 - (b) to an officer or employee of the Authority; or
 - (c) with the approval of the Minister, to any other person.
- (3) A function performed by a delegate is to be taken to be performed by the Authority.
- (4) Nothing in this section is to be read as limiting the ability of the Authority to act through its officers and agents in the normal course of business.

[Section 16C inserted by No. 46 of 1998 s. 10.]

Part IV — Approval of abattoirs

17. Construction and operation of abattoirs

- (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.

18. Conditions of approval

- (1) The Authority may grant its approval under section 17 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.
- (2) The Authority may by notice in writing served on a person to whom an approval has been granted under section 17 vary, add to or delete any conditions or restrictions specified in the approval.
- (3) Upon a variation, addition or deletion made under subsection (2) taking effect, the condition or restriction —
 - (a) as varied or added, shall be deemed to be; or
 - (b) as deleted, shall be deemed not to be,a condition or restriction imposed in respect of the approval concerned.
- (4) A variation, addition or deletion made under subsection (2) shall take effect on and from a date specified in the notice referred to in that subsection, being a date not earlier than 7 days after the notice is served in accordance with that subsection.

[Section 18 amended by No. 7 of 1984 s. 4.]

s. 19

19. Grounds of refusal to grant approval

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) deleted]
 - (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.

[Section 19 amended by No. 70 of 2003 s. 57.]

20. Revocation of approval

The Authority may revoke its approval for an abattoir —

- (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. Repealed by No. 70 of 2003 s. 58.]

22. Appeal to Minister against refusal of approval

- (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 apply to the State Administrative Tribunal for a review of the decision.

[(2) repealed]

[Section 22 amended by No. 55 of 2004 s. 1314]

23. Offence

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 in any return furnished pursuant to section 25.

[Section 23 amended by No. 70 of 2003 s. 59.]

24. Compliance with other Acts, etc.

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

[Section 24 amended by No. 14 of 1996 s. 4.]

Part IVA — Branding of carcasses

[Heading inserted by No. 32 of 1982 s. 8.]

24A. Minister may prescribe abattoirs

- (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).

[Section 24A inserted by No. 32 of 1982 s. 8.]

24B. Minister may prescribe animals

- (1) After consultation with the Authority, the Minister may, by notice published in the *Government Gazette* —
 - (a) prescribe any kind of animal to be a prescribed animal; or
 - (b) declare any kind of animal to be a declared 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).

[Section 24B inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

24C. Duties of owner of prescribed abattoir

- (1) Subject to subsection (3), the owner of a prescribed abattoir shall ensure that every carcass of a prescribed animal

slaughtered in that abattoir for human consumption in the State which carcass 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 carcass is removed from the abattoir.

Penalty: \$2 000.

- (2) Subject to subsection (3), the owner of a prescribed abattoir shall ensure that no carcass of a prescribed animal slaughtered in that abattoir for human consumption in the State which carcass 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 carcass.

Penalty: \$2 000.

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

[Section 24C inserted by No. 32 of 1982 s. 8; amended by No. 32 of 1993 s. 22.]

s. 24CA

24CA. Duties in respect of declared animals

Where characteristics have been prescribed in relation to the branding of carcasses of a declared animal the owner of an abattoir which is a prescribed abattoir in relation to that kind of animal shall ensure that no carcass of a declared animal slaughtered in that abattoir for human consumption in the State which does not possess the characteristics so prescribed —

- (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 carcass, before the carcass is removed from the abattoir.

Penalty: \$2 000.

[Section 24CA inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

24D. Branding of carcasses outside abattoir

Except under and in accordance with the written permission of the Authority, no person shall brand the carcass of a prescribed animal or a declared 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.

[Section 24D inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

24E. Duties of importer of carcasses

A person who brings or causes to be brought into the State the carcass 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.

[Section 24E inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

24EA. Duties of importers of declared animals

Where characteristics have been prescribed in relation to the branding of carcasses of a declared animal a person who brings or causes to be brought into the State the carcase of that kind of 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 no such carcase —

- (a) which does not possess the characteristics so prescribed is branded in accordance with the requirements of; and
- (b) except with the written permission of the Authority, is branded in any manner other than or in addition to the manner provided for in,

the regulations applicable to such carcasses so brought into the State, before the sale of the carcase for human consumption in the State.

Penalty: \$2 000.

[Section 24EA inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

s. 24EB

24EB. Offence of sale of unbranded carcasses

- (1) Where a brand has been prescribed in relation to any kind of animal, a person shall not sell or offer for sale a carcass of that kind of animal —
- (a) by reference to that brand or the name of that brand, if any; or
 - (b) by a description which states or implies or purports to state or imply that the carcass possesses the characteristics prescribed in relation to the branding of carcasses of that kind of animal,

unless the carcass is branded in accordance with the requirements of the regulations.

Penalty: \$2 000.

- (2) The Governor may from time to time by proclamation declare that subsection (1) 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.

[Section 24EB inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7).]

24F. Manufacture of branding devices etc.

- (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).
- (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 authorised 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 carcass a brand or brands which describes or implies or purports to describe or imply the definition of the meat of the carcass.

[Section 24F inserted by No. 32 of 1982 s. 8.]

24G. Inspectors

- (1) The Minister may appoint persons to be inspectors for the purposes of this Act.
- (2) Every person appointed under subsection (1) shall be furnished with a certificate of his appointment, signed by either the Minister or an officer authorised 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.

[Section 24G inserted by No. 32 of 1982 s. 8; amended by No. 51 of 1982 s. 2.]

24H. Powers of inspectors

- (1) An inspector may for the purposes of this Act at any time enter any abattoir, processing works or premises at which the

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inspector has reason to suspect that meat is stored or is sold or offered for sale and while on such premises may —

- (a) examine any carcass or meat on the premises;
 - (b) supervise and monitor the application of brands to carcasses of prescribed animals or declared animals;
 - (c) weigh, count, measure or brand any such carcass;
 - (d) examine any branding device on the premises;
 - (e) open, or cause to be opened, any package and examine its contents; and
 - (f) seize any package, meat or other thing which in the opinion of the inspector is likely to be evidence relevant to the investigation of a suspected offence under this Act.
- (2) Where any package, meat or other thing is seized under this section it shall be taken before a justice and thereupon shall be dealt with in the manner provided in section 714 of *The Criminal Code* as though lawfully seized under that Code.

[Section 24H inserted by No. 32 of 1982 s. 8 (as amended by No. 7 of 1984 s. 7); amended by No. 32 of 1993 s. 23.]

24I. Obstruction of inspectors

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: \$2 000.

[Section 24I inserted by No. 32 of 1982 s. 8; amended by No. 20 of 1989 s. 3.]

Part V — Miscellaneous

25. Returns

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

25A. Execution of documents by Authority

- (1) The Authority is to have a common seal.
- (2) A document is duly executed by the Authority if —
 - (a) the common seal of the Authority is affixed to it in accordance with subsections (3) and (4); or
 - (b) it is signed on behalf of the Authority by a person or persons authorised to do so under subsection (5).
- (3) The common seal of the Authority is not to be affixed to any document except as authorised by the Authority.
- (4) The common seal of the Authority is to be affixed to a document in the presence of 2 members of the Authority, and each of them is to sign the document to attest that the common seal was so affixed.
- (5) The Authority may, by writing under its seal, authorise a member or members of the Authority or a member or members of staff to sign documents on behalf of the Authority, either generally or subject to such conditions or restrictions as are specified in the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the Authority, it is to be presumed that the seal is the common seal of the Authority until the contrary is shown.

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[Section 25A inserted by No. 46 of 1998 s. 11.]

26. Offences and penalty

- (1) A person who contravenes or fails to comply with a provision of this Act shall be guilty of an offence against this Act.
- (2) Subject to subsection (3), any person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$5 000.
- (3) Where a body corporate is convicted of an offence under this Act, the penalty that the court may impose is a fine not exceeding 5 times the maximum amount that, but for this subsection, the court could impose as a pecuniary penalty for that offence.
- (4) Proceedings for an offence against this Act or the regulations may be —
 - (a) taken by the Director General, or any inspector; and
 - (b) commenced at any time within 2 years after the offence was committed.

[Section 26 amended by No. 20 of 1989 s. 3; No. 32 of 1993 s. 24.]

27. Regulations

- (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) regulating the operations conducted at saleyards, abattoirs and processing works, and the fees and charges

- payable under this Act in relation to the regulation of, or in respect of any approval sought for, those operations;
- (c) prescribing duties imposed on persons bringing or causing to be brought into the State the carcasses of prescribed animals and declared animals for the purposes of sale for human consumption in the State;
 - (d) regulating the branding of carcasses of, or meat from, prescribed animals and declared animals —
 - (i) brought into the State for the purpose of human consumption in the State;
 - (ii) subjected, whether before or after slaughter, to some specialized treatment intended to affect quality; or
 - (iii) generally;
 - (e) prescribing brands, including the names of brands;
 - (f) regulating the grant of authority to manufacture, or to use, branding devices;
 - (g) prescribing bases of description and definition and methods of measurement of carcasses for the purpose of determining payment for carcasses;
 - (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 \$5 000 or 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;

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- (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.

[Section 27 inserted by No. 32 of 1982 s. 9 (as amended by No. 7 of 1984 s. 8); amended by No. 20 of 1989 s. 3; No. 32 of 1993 s. 25.]

Notes

¹ This is a compilation of the *Western Australian Meat Industry Authority Act 1976* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Meat Industry Authority Act 1976</i>	75 of 1976	18 Oct 1976	s. 17, 21, 23(c), 25, 26: 1 Jul 1977 (see s. 2 and <i>Gazette</i> 6 May 1977 p. 1294); balance: 1 May 1977 (see s. 2 and <i>Gazette</i> 6 May 1977 p. 1294)
<i>Western Australian Meat Industry Authority Amendment Act 1982</i>	32 of 1982 (as amended by No. 51 of 1982 and No. 7 of 1984)	27 May 1982	7 Jun 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)
<i>Western Australian Meat Industry Authority Amendment Act (No. 2) 1982</i>	51 of 1982	6 Sep 1982	6 Sep 1982
<i>Acts Amendment (Western Australian Meat Industry Authority) Act 1984 Pt. II</i>	7 of 1984	18 May 1984	7 Jun 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1932)
<i>Agricultural Legislation (Penalties) Amendment Act 1989 s. 3</i>	20 of 1989	1 Dec 1989	15 Dec 1989 (see s. 2 and <i>Gazette</i> 15 Dec 1989 p. 4513)
<i>Meat Industry Legislation (Amendment and Repeal) Act 1993 Pt. 3³</i>	32 of 1993	16 Dec 1993	4 Mar 1994 (see s. 2(1) and <i>Gazette</i> 4 Mar 1994 p. 821)
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

Western Australian Meat Industry Authority Act 1976

Short title	Number and year	Assent	Commencement
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Western Australian Meat Industry Authority Amendment Act 1998</i>	46 of 1998	19 Nov 1998	19 Nov 1998 (see s. 2)
Reprint of the Western Australian Meat Industry Authority Act 1976 as at 1 Mar 2002 (includes amendments listed above)			
<i>Acts Amendment and Repeal (Competition Policy) Act 2003</i> Pt. 15	70 of 2003	15 Dec 2003	21 Apr 2004 (see s. 2 and <i>Gazette</i> 20 Apr 2004 p. 1297)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 136 ⁴	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

² Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).

³ The *Meat Industry Legislation (Amendment and Repeal) Act 1993* s. 16(2) and (3) read as follows:

“

- (2) Where the appointment of a person as a member of the Authority under the provisions of section 8 of the principal Act as enacted before the coming into operation of this section is still in effect immediately before the coming into operation of this section, that appointment is terminated on and by virtue of this section coming into operation.
- (3) Subsection (2) does not affect the eligibility of the person to be appointed as a member of the Authority under section 8 of the principal Act as amended by this section.

”.

⁴ The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169,

and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.