

HEALTH.

No. 72 of 1979.

AN ACT to amend sections two hundred and forty and two hundred and forty A of the Health Act, 1911-1978 and to add thereto sections two hundred and forty B and two hundred and forty C.

[Assented to 27th November, 1979.]

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 *Health Act Amendment Act, 1979*.

Short title and citation.

(2) In this Act the Health Act, 1911-1978 is referred to as the principal Act.

Reprinted as approved for reprint 14th April, 1975 and amended by Acts Nos. 2 and 42 of 1975 and 47 of 1978.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1979.

Section 240
amended.

2. Section 240 of the principal Act is amended by deleting subsection (18) and substituting a subsection as follows—

(18) Regulating the sale, offer or exposure for sale, movement and storage of meat and, without limiting the generality of the foregoing—

- (a) providing for meat that is slaughtered for food or imported for food to be inspected to determine whether it is wholesome and appointing places at which meat may be exhibited for such inspection;
- (b) imposing rates of fees for the purpose of recovering the costs of carrying out inspections of meat for the purposes of the regulations which rates may vary according to the class, description or kind of inspection carried out, and prescribing the persons by whom and to whom and the places and times where and when such fees shall be paid;
- (c) prescribing marks and brands to be applied to meat inspected for the purposes of the regulations;
- (d) prohibiting the sale, or the offer or exposure for sale, within any prescribed district or prescribed part of a district, of meat that—
 - (i) is not accompanied by a certificate evidencing that it has been inspected for the purposes of the regulations and passed as wholesome; or
 - (ii) is not marked or branded with prescribed marks or brands in accordance with the regulations. .

3. Section 240A of the principal Act is amended by deleting the words “in which a regulation made under” in line two and substituting the passage “or part of a district in which a regulation made under paragraph (d) of”.

Section 240A
amended.

4. The principal Act is amended by adding after section 240A sections as follows—

Sections
240B and
240C
added.

240B. (1) In this section “the meat inspection regulations” means the regulations in force from time to time under subsection (18) of section two hundred and forty of this Act.

Meat
inspection
fees.

(2) The rates of fees prescribed in respect of any class, description or kind of inspections carried out for the purposes of the meat inspection regulations shall be fixed so that as nearly as may be the proceeds thereof do not exceed the costs of carrying out such inspections.

(3) No fee shall be payable in respect of an inspection for the purposes of the meat inspection regulations unless the inspection is carried out by an officer appointed under section eleven or section twenty-seven of this Act.

(4) The proceeds of all fees prescribed by the meat inspection regulations to be paid and paid or recovered in respect of inspections carried out for the purposes of the regulations shall be paid—

(a) in the case of fees paid to or recovered by the Commissioner—to the credit of a special account in the Treasury to be called the “State Meat Inspection Account”;

(b) in the case of fees paid to a local authority—to the credit of a special fund, which the local authority is hereby authorised to establish and maintain, to be called the “(name of local authority) Meat Inspection Fund”.

(5) Money to the credit of the State Meat Inspection Account shall be applied only to the payment of the costs of inspections carried out for the purposes of the meat inspection regulations by officers appointed under section 11 of this Act and acting on behalf of the Commissioner.

(6) Money to the credit of a fund established by a local authority pursuant to paragraph (b) of subsection (4) of this section shall be applied only to the payment of the costs of inspections carried out for the purposes of the meat inspection regulations by—

- (a) officers appointed by the local authority under section twenty-seven of this Act; or
- (b) officers appointed under section eleven of this Act and acting on behalf of the local authority.

Validation.

240C. (1) In this section “the 1950 regulations” means the regulations published in the *Government Gazette* on the 1st December, 1950 under the heading “Meat Inspection and Branding Regulations” and all amendments to those regulations published in the *Government Gazette* from time to time before the coming into operation of the Health Act Amendment Act, 1979.

(2) This Act as enacted from time to time before the coming into operation of the Health Act Amendment Act, 1979 shall be deemed to have authorised the making of the 1950 regulations and those regulations shall be deemed to have taken effect and had the force of law accordingly, and it is hereby expressly enacted that in any action or proceedings, whether instituted before or after the coming into operation of the Health Act Amendment

Act, 1979, any fees received or recovered from any person in respect of an inspection of meat carried out before the coming into operation of that Act for the purposes of the 1950 regulations shall be deemed to have been validly and lawfully received or recovered under and in accordance with this Act and those regulations.

(3) For the purposes of subsection (2) of this section any inspection of meat purported to have been carried out by any person for the purposes of the 1950 regulations shall be deemed to have been validly and lawfully carried out for the purposes of those regulations. .
