

Queensland



MEAT INDUSTRY ACT 1993

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(includes amendments up to Act No. 45 of 1999)**

Reprint No. 2B

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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MEAT INDUSTRY ACT 1993

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MEAT INDUSTRY ACT 1993

[as amended by all amendments that commenced on or before 12 October 1999]

An Act about the Queensland livestock and meat industry

PART 1—PRELIMINARY

Division 1—Introduction

Short title

1. This Act may be cited as the *Meat Industry Act 1993*.

Commencement

2. Parts 3 to 10 (other than sections 31, 32, 144 and 145) commence on a day to be fixed by proclamation.

Division 2—Objectives

Objectives of Act

- 3.(1) The objectives of this Act are—
 - (a) to ensure the wholesomeness and integrity of meat are maintained; and
 - (b) to foster the interests of the Queensland livestock and meat industry.
- (2) The objectives are to be achieved principally by establishing—
 - (a) the Queensland Livestock and Meat Authority to ensure the

- achievement of the objective mentioned in subsection (1)(a); and
- (b) the Queensland Abattoir Corporation to operate meat processing facilities and saleyards in public ownership in an efficient, effective and accountable way.

Division 3—Interpretation

Definitions

4. In this Act—

“abattoir corporation” means the Queensland Abattoir Corporation.

“accreditation” means an accreditation in force under this Act.

“alter” an official mark or trade description includes deface, interfere with and change it in any way.

“analyst” includes a person who is an analyst under the standards.

“animal food” means a substance ordinarily consumed, or intended for consumption, by animals.

“apply” an official mark or trade description includes attach, emboss, impress, mark, print, stencil and write the official mark or trade description.

“approved program of production” for an accreditation means the approved program of production (within the meaning of section 58(3)) as amended under section 65.

“asset” includes property of any kind.

“authority” means the Queensland Livestock and Meat Authority established under this Act.

“carcass” of an animal includes—

- (a) its flesh, organs or body fluids; and
- (b) its feathers, hair, fur, skin, scales or shell; and
- (c) its bones, horns, antlers, teeth or tusks.

“chief meat officer” means the person appointed under this Act as the chief meat officer.

“**chemical**” includes an element.

“**condition**” includes restriction.

“**covering**” includes any bottle, box, capsule, case, container, frame, glass, stopper, vessel and wrapper.

“**device**” includes equipment.

“**disease**” has the meaning given by section 5.

“**false trade description**” for meat means a trade description that is false and misleading in a material particular about the meat because of—

- (a) anything included in, or omitted from, the trade description; or
- (b) any alteration of the trade description.

“**food**” is a substance ordinarily consumed, or intended for consumption, by humans or animals.

“**human food**” means a substance ordinarily consumed, or intended for consumption, by humans.

“**industry**” means the Queensland livestock and meat industry.

“**integrity**” of meat has the meaning given by section 6.

“**label**” includes any brand, tag, ticket and pictorial, or other descriptive, matter.

“**livestock**” includes animals prescribed by standard.

“**mark**” includes label, seal and stamp.

“**meat**” has the meaning given by section 7.

“**meat processing**” has the meaning given by section 8.

“**meat processing facility**” means premises where meat processing is carried out.

“**meat processing product**” includes a substance declared by standard to be a meat processing product.

“**meat safety officer**” means a person who is appointed under this Act as a meat safety officer.

“**obstruct**” includes hinder, resist and attempt to obstruct.

“**official mark**” means a mark prescribed by standard to be an official

mark.

“official marking device” means a device prescribed by standard to be an official marking device.

“owner” includes—

- (a) for premises—an occupier of the premises; and
- (b) for an animal or meat—the person in possession or control of the animal or meat.

“person in control” of a vehicle includes—

- (a) the driver of the vehicle; and
- (b) the person in command of the vehicle; and
- (c) the person who appears to be in control or command of the vehicle.

“place” includes land and premises.

“premises” includes—

- (a) a building or other structure or part of a building or other structure; and
- (b) land where a building or other structure is situated.

“prepackaged meat” means meat that is prepackaged meat under the standards.

“program of production” has the meaning given by section 9.

“retailer” of meat has the meaning given by section 10.

“sale” includes barter and exchange.

“sell” includes—

- (a) offer or expose for sale; and
- (b) give away as a promotion or advertisement.

“smallgoods” has the meaning given by section 11.

“species” includes a subspecies.

“standard” means a standard in force under this Act.

“trade description” for meat means any description or other representation

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about—

- (a) the processing of the meat under an accreditation; or
- (b) another matter that, under the standards, is taken to have been decided about the meat during its processing;

and includes any mark commonly taken to be a representation of that kind by trade or common usage.

“trade or commerce” includes any business activity.

“tribunal” means the Meat Industry Tribunal.

“vehicle” includes an aircraft and a boat.

“wholesomeness” of meat has the meaning given by section 12.

“wild game” means an animal—

- (a) prescribed by standard as wild game; and
- (b) living in a wild state and not under any artificial confinement.

Meaning of “disease”

5.(1) A **“disease”** is present in an animal if there is in the animal—

- (a) an infectious agent or pathological process that—
 - (i) affects the animal’s state of health to the extent that meat from the animal is not wholesome for human or animal food; or
 - (ii) whether or not it affects the animal’s state of health, could be transmitted to a person or another animal if a person or other animal—
 - (A) contacts the animal; or
 - (B) contacts the animal’s carcass; or
 - (C) contacts or eats meat or other substances from the animal; or
- (b) a chemical or antibiotic residue prescribed by standard in excess of the concentration level prescribed by standard for the residue; or

- (c) a condition or substance that is a disease under the standards.
- (2) A “**disease**” is present in meat if there is in the meat—
 - (a) an infectious agent or pathological process that—
 - (i) affects the meat to the extent that the meat is not wholesome for human or animal food; or
 - (ii) could be transmitted to a person or animal if the person or animal contacts or eats the meat; or
 - (b) a chemical or antibiotic residue prescribed by standard in excess of the concentration level prescribed by standard for the residue; or
 - (c) a condition or substance that is a disease under the standards.

Meaning of “integrity” of meat

6.(1) “Integrity” of meat means the meat is from the species of animal it purports to be from.

(2) Meat is not from the species of animal it purports to be from if meat of another species has been substituted (wholly or partly) for it.

Meaning of “meat”

7.(1) “Meat” is food that is the whole or a part of a killed animal.

Example—

The edible flesh, organs, bones and body fluids of slaughtered cattle, chickens, goats, pigs and sheep are meat.

(2) Meat does not stop being meat merely because its nature is changed or it is mixed with another substance.

Examples of meat—

1. Smallgoods.
2. Marinated meat, meat rissoles, meat sausages, schnitzels, shish kebabs, steak and kidney mix, stir-fry lamb mix and veal cordon bleu.

(3) However, meat does not include—

- (a) the whole or a part of a fish or an animal declared by regulation to

- be an animal to which this Act does not apply; or
- (b) a substance declared by standard not to be meat.

Meaning of “meat processing”

8.(1) “Meat processing” includes every activity in the production of meat.

(2) Without limiting subsection (1), meat processing includes—

- (a) the killing of animals for meat; and
- (b) anything done to a killed animal, or a part of a killed animal, to produce meat; and
- (c) anything done to meat to—
- (i) add value, or apparent value, to it; or
- (ii) make it appropriate, or apparently appropriate, for a particular purpose; or
- (iii) produce a product that includes the meat; or
- (iv) prepare it, or make it available, for trade or commerce.

Examples of meat processing—

1. Dressing animal carcasses to produce meat.
2. Breaking down animal carcasses to produce meat.
3. Chilling or freezing meat.
4. Boning meat.
5. Storing meat.
6. Packing meat.
7. Producing smallgoods.
8. Transporting meat.
9. Wholesale selling of meat.
10. Displaying meat for wholesale or retail sale.

(3) However, meat processing does not include an activity—

- (a) before the starting point of meat processing; or

(b) after the finishing point of meat processing.

(4) The starting point of meat processing is the killing of animals for food.

(5) The killing of an animal includes the stunning of the animal, and anything else done to the animal as part of the process of killing it.

(6) The finishing point of meat processing is whichever of the following happens first—

- (a) the meat leaves the possession of a retailer of the meat;
- (b) the meat leaves premises where it becomes prepackaged meat for its retail sale as prepackaged meat at other premises;
- (c) the meat leaves premises where it becomes smallgoods;
- (d) the happening of an event in relation to the meat that, under the standards, is a finishing point of meat processing.

Examples of application of paragraph (a)—

- 1. A person buys a side of beef from a retailer to cut it up for household use.
- 2. A butcher donates meat to a charity for a fundraising barbecue.
- 3. A retailer of meat disposes of unwholesome meat.

Meaning of “program of production”

9. A “**program of production**” for meat processing is a description of the activities to happen during the meat processing, and in preparation for and cleaning up after the meat processing.

Meaning of “retailer”

10.(1) A “**retailer**” of meat includes a person who sells meat to a buyer in a quantity commonly associated with a wholesale sale if the buyer does not intend to resell any of the meat in trade or commerce.

Example—

If a school parents and citizens association buys a large quantity of meat from a person for use in a fundraising barbecue, the association does not intend to resell any of the meat in trade or commerce. The person is, therefore, a retailer of meat for the sale, even though the quantity of the purchase may commonly be associated with a

wholesale sale.

(2) A person can be a retailer of meat for a particular transaction even though—

- (a) the person is not a retailer of meat for other transactions; and
- (b) the person does not ordinarily sell meat as a retailer.

Example—

If the person in the example to subsection (1) is a meat wholesaler, the person is a retailer for the sale to the parents and citizens association even though the person is not a retailer for other transactions.

(3) A buyer of meat is not taken to intend to resell it if the buyer intends to use the meat to provide meals to other persons.

Example—

A restaurateur who uses purchased meat to provide meals to customers.

(4) A regulation may prescribe other circumstances in which a person who sells or otherwise deals with meat is a retailer of the meat.

Meaning of “smallgoods”

11. “Smallgoods” include meat that has had its nature substantially changed, and its shelf life markedly increased, by processing, but do not include meats declared by standard not to be smallgoods.

Examples—

Salami, ham, bacon, corned, cured and cooked meats are smallgoods, but meat that has simply been chilled or frozen is not.

Meaning of “wholesomeness” of meat

12.(1) “Wholesomeness” of meat for human food includes the absence of—

- (a) any condition or substance, not normally and naturally found in meat, that might compromise human health; and
- (b) any condition or substance a consumer would ordinarily regard as making the meat unfit as human food; and
- (c) any chemical or antibiotic residue prescribed by standard in

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excess of the concentration level prescribed by standard for the residue.

(2) “**Wholesomeness**” of meat for animal food includes the absence of—

- (a) any condition or substance, not normally and naturally found in meat, that might compromise animal health; and
- (b) any chemical or antibiotic residue prescribed by standard in excess of the concentration level prescribed by standard for the residue.

*Division 4—Operation of Act***State bound by Act**

13.(1) This Act binds the State.

(2) Nothing in this Act makes the State liable to be prosecuted for an offence.

(3) However, subsection (2) does not prevent the prosecution of an officer, employee or agent of the State for an offence.

Exemptions from Act

14.(1) A regulation may exempt a person from this Act or any of its provisions.

(2) The exemption may be given on conditions specified in the regulation.

(3) A person who is given an exemption must not contravene a condition of the exemption.

Maximum penalty for subsection (3)—200 penalty units.

Act does not apply to things done under Aboriginal tradition and Island custom

15. This Act does not apply to anything done by an Aborigine under Aboriginal tradition or a Torres Strait Islander under Island custom.

Food Act 1981 not affected

16. This Act is in addition to, and does not limit, the *Food Act 1981*.

PART 2—MINISTERIAL ADVISORY BODIES**Minister may establish advisory bodies**

17. The Minister may establish an advisory committee or other body to assist the Minister in the administration of this Act.

PART 3—THE QUEENSLAND LIVESTOCK AND MEAT AUTHORITY*Division 1—Establishment of authority***Establishment**

22. The Queensland Livestock and Meat Authority is established.

Authority is a body corporate etc.

23.(1) The authority—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and

- (c) may sue and be sued in its corporate name.
- (2) The authority does not represent the State.
- (3) The authority is an exempt public authority under the Corporations Law.

Division 2—Functions and powers of authority

Functions

24.(1) The authority's primary function is to ensure that the wholesomeness and integrity of meat are maintained.

(2) The primary function is to be achieved mainly through the accreditation system provided under this Act.

(3) The authority's secondary functions are—

- (a) to foster the interests of the industry; and
- (b) to promote the consumption of meat; and
- (c) to promote industry trade opportunities; and
- (d) to conduct or support research aimed at improving industry efficiency and effectiveness; and
- (e) to provide or support industry educational programs to encourage compliance with sound practices for meat processing and livestock management; and
- (f) to assist the industry to establish and develop marketing arrangements and market information services (including consumer meat identification services); and
- (g) to advise the Minister on the following—
 - (i) international and national trends on meat wholesomeness and integrity;
 - (ii) meat quality assurance;
 - (iii) changes to the regulation and administration of the Queensland meat industry; and
- (h) to perform other functions given to the authority under this Act or

another Act.

(4) The authority must perform its functions efficiently and effectively.

General powers

25.(1) The authority has, for or in connection with the performance of its functions, all the powers of a natural person, and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) make charges for services and facilities it supplies; and
- (e) join and participate in industry associations; and
- (f) do other things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the authority has the powers given to it under this or another Act.

(3) However, the authority may not acquire shares or another interest in an entity holding an accreditation under this Act.

(4) The authority may exercise its powers inside and outside Queensland.

(5) Without limiting subsection (4), the authority may exercise its powers outside Australia.

Delegation

26.(1) The authority may delegate its powers to an authority committee, member or employee.

(2) However, only the chief meat officer may be delegated the power to grant accreditations authorising meat processing to be carried out at premises.

Division 3—Reserve powers of Minister**Reserve power of Minister to notify authority of public sector policies**

27.(1) The Minister may give the authority written notice of a public sector policy that is to apply to the authority if the Minister is satisfied it is necessary to give the notice in the public interest.

(2) The authority must ensure the policy is carried out.

(3) Before giving the notice, the Minister must—

(a) consult with the authority; and

(b) ask the authority to advise whether, in its opinion, carrying out the policy would not be in its financial interest.

(4) The Minister must cause a copy of the notice to be gazetted within 21 days after it is given.

Reserve power of Minister to give directions in public interest

28.(1) The Minister may give the authority a written direction if the Minister is satisfied it is necessary to give the direction in the public interest because of exceptional circumstances.

(2) The authority must ensure the direction is complied with.

(3) Before giving the direction, the Minister must—

(a) consult with the authority; and

(b) ask the authority to advise whether, in its opinion, complying with the direction would not be in its financial interest.

(4) The Minister must cause a copy of the direction to be gazetted within 21 days after it is given.

Additional matters to be included in annual report

29. Each annual report of the authority must include particulars of the impact on its financial position of any notices and directions given to it by the Minister under this division that relate to the relevant financial year.

Division 4—Membership of authority**Composition of authority**

30.(1) The authority is to consist of not more than 5 members.

(2) The Governor in Council is to appoint the members.

(3) The Governor in Council is to appoint 1 of the members as chairperson.

(4) The members must be persons the Minister considers have experience or expertise in 1 or more of the following—

- (a) livestock production;
- (b) meat processing;
- (c) meat wholesaling or retailing;
- (d) food technology;
- (e) marketing, public or business administration.

(5) The Governor in Council may appoint a person to act as a member during any period, or all periods, when the member is absent or can not, for another reason, perform the duties of the office.

Duration of appointment

33.(1) A member of the authority is to be appointed for a term of not longer than 3 years.

(2) The office of a member of the authority becomes vacant if the member—

- (a) resigns by signed notice to the Minister; or
- (b) is absent from 3 consecutive meetings of the authority without the authority's leave and without reasonable excuse; or
- (c) is convicted of an indictable offence or an offence against this Act; or
- (d) becomes employed by, or a contractor of, the authority; or
- (e) is removed from office by the Governor in Council under

subsection (3) or (4).

(3) The Governor in Council may remove a member from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) uses the office for party political purposes; or
- (e) causes the authority's funds or reputation to be used for party political purposes; or
- (f) does anything else that, in the Governor in Council's opinion, is a reasonable and sufficient justification for removal from office.

(4) The Governor in Council may remove all or any members of the authority from office if the authority—

- (a) does not carry out a policy notified under section 27 (Reserve power of Minister to notify authority of public sector policies) or comply with a direction given under section 28 (Reserve power of Minister to give directions in public interest); or
- (b) does not comply with its obligations under the *Financial Administration and Audit Act 1977* for the preparation and submission of reports and plans; or
- (c) uses its funds or reputation for party political purposes.

Fees and allowances

34. The members of the authority are entitled to be paid by the authority the fees and allowances decided by the Governor in Council.

Division 5—Proceedings of authority

Time and place of meetings

35.(1) Meetings of the authority are to be held at the times and places it

decides.

(2) However, the authority must meet at least once every 3 months.

(3) The chairperson—

- (a) may at any time call a meeting of the authority; and
- (b) must call a meeting if asked by at least half the members.

Procedures governing conduct of proceedings

36.(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is absent, the member chosen by the members present is to preside.

(3) At a meeting of the authority—

- (a) a quorum is a majority of the members; and
- (b) a question is to be decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

(4) The authority may conduct its proceedings (including its meetings) as it considers appropriate.

(5) The authority may hold meetings, or permit members to take part in meetings, by telephone, closed-circuit television or another form of communication.

(6) A member who takes part in a meeting of the authority under permission under subsection (5) is taken to be present at the meeting.

(7) If—

- (a) all members of the authority agree, in writing, to a proposed resolution; and
- (b) notice of the proposed resolution was given under procedures approved by the authority;

the resolution is a valid resolution of the authority, even though it was not passed at a meeting of the authority.

Disclosure of interests

37.(1) This section applies to a member of the authority if—

- (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the authority; and
- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the authority.

(3) The disclosure must be recorded in the authority's minutes and, unless the authority otherwise decides, the member must not—

- (a) be present when the authority considers the issue; or
- (b) take part in a decision of the authority on the issue.

(4) Another member who also has a direct or indirect financial interest in the issue must not—

- (a) be present when the authority is considering its decision under subsection (3); or
- (b) take part in making the decision.

Minutes

38. The authority must keep minutes of its proceedings.

Division 6—Staff

Staff generally

39.(1) The authority may engage the employees it considers necessary to perform its functions.

(2) The terms of employment of the authority's employees are to be decided by it.

(3) However, subsection (2) has effect subject to any relevant industrial award or agreement.

Chief executive officer and secretary

40. The authority must employ a chief executive officer and a secretary, but both positions may be held by the same person.

Chief meat officer

41.(1) The authority must also employ a chief meat officer.

(2) The chief meat officer has all the powers of a meat safety officer.

(3) A reference in this or another Act to a meat safety officer includes a reference to the chief meat officer.

Acting chief meat officer

42. The authority may appoint a person to act as chief meat officer during—

- (a) any vacancy, or all vacancies, in the position; or
- (b) any period, or all periods, when the chief meat officer is absent from duty or can not, for another reason, perform the position's duties.

Division 7—Other matters about the authority

Superannuation schemes

43.(1) The authority may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

(2) The auditor-general may audit the schemes.

(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.¹

(4) A person who, immediately before becoming an employee of the authority, was a contributor to the State Service Superannuation Fund, or a member of the State Public Sector Superannuation Scheme, continues to be a contributor or member.

(5) If the authority establishes, joins in establishing or takes part in a scheme mentioned in subsection (1), (the “**authority’s scheme**”), a person to whom subsection (4) applies may, under arrangements prescribed by regulation, stop being a contributor or member and become a member of the authority’s scheme.

Seal

44. Judicial notice must be taken of the imprint of the authority’s seal appearing on a document and the document must be presumed to have been properly sealed unless the contrary is proved.

Committees

45.(1) The authority may establish committees to assist or advise it.

(2) The authority may decide—

- (a) the functions of a committee; and
- (b) the membership of a committee; and
- (c) how a committee is to operate.

(3) A member of a committee is entitled to be paid by the authority the fees and allowances decided by the authority.

¹ *Financial Administration and Audit Act 1977*, part 6 (Audit of consolidated fund and public sector entities)

Application of certain Acts

46.(1) The authority is—

- (a) a unit of public administration under the *Criminal Justice Act 1989*; and
- (b) an agency under the *Equal Opportunity in Public Employment Act 1992*; and
- (c) a statutory body under the *Financial Administration and Audit Act 1977*; and
- (d) a public authority under the *Libraries and Archives Act 1988*; and
- (e) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 25(4) and (5) of this Act.

Parliamentary Commissioner Act 1974 not to apply to certain decisions

47. The *Parliamentary Commissioner Act 1974* does not apply to a decision about the authority's commercial policy.

PART 4—INDUSTRY ADMINISTRATION*Division 1—Meat safety officers***Appointment of meat safety officers**

48.(1) The authority may appoint employees of the authority and other persons to be meat safety officers.

(2) Appointment as a meat safety officer of a person who is not an employee of the authority does not, of itself, make the person an employee

of the authority.

(3) The authority may appoint a person to be a meat safety officer only if—

- (a) the person has satisfactorily completed a training course approved by the authority; or
- (b) in the authority's opinion, the person has the necessary knowledge and experience to be a meat safety officer.

(4) The authority may limit the powers of a meat safety officer by stating conditions in the instrument of appointment.

Terms of appointment of meat safety officers

49.(1) A meat safety officer holds office on the conditions specified in the instrument of appointment.

(2) A meat safety officer—

- (a) if the appointment provides for a term of appointment—stops holding office as a meat safety officer at the end of the term; and
- (b) may resign by signed notice given to the authority; and
- (c) if the conditions of appointment provide—stops holding office as a meat safety officer—
 - (i) on stopping to hold some other office specified in the conditions of appointment; or
 - (ii) on stopping to be employed by, or engaged under a contract to provide services to, the authority.

Powers of meat safety officers

50.(1) A meat safety officer has the powers given under this or another Act.

(2) A standard may limit the powers of meat safety officers of a specified class.

Meat safety officer's identity card

51.(1) The authority must issue an identity card to each meat safety officer.

(2) The identity card must—

- (a) contain a recent photograph of the meat safety officer; and
- (b) be in a form approved by the Minister; and
- (c) be signed by the meat safety officer.

(3) A person who stops being a meat safety officer must return the identity card to the authority as soon as practicable after stopping to be a meat safety officer, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—40 penalty units.

Production of meat safety officer's identity card

52.(1) A meat safety officer may exercise a power in relation to a person only if the meat safety officer displays the meat safety officer's identity card for inspection by the person.

(2) If, for any reason, it is not practicable to comply with subsection (1), the meat safety officer must produce the identity card for inspection by the person at the first reasonable opportunity.

*Division 2—Accreditation***Purpose of accreditation system**

53. The purpose of the accreditation system provided by this Act is to ensure that the wholesomeness and integrity of meat are maintained in a way giving meat processors the opportunity to devise programs of production that—

- (a) best suit their particular circumstances; and
- (b) reduce the need for day-to-day oversight by the authority.

Authority given by accreditation

54.(1) An accreditation authorises the holder to process meat on the conditions stated in the accreditation and in this Act.

(2) An accreditation does not authorise the processing of meat derived from an animal prescribed by regulation to be a prohibited animal.

(3) Subsection (2) applies to an accreditation even if an animal was not a prohibited animal when the accreditation was granted.

(4) An accreditation does not authorise a person to do anything prohibited under another Act.

Application for accreditation

55.(1) A person may apply to the authority for the grant of an accreditation.

(2) The authority may, by written notice, ask the applicant—

- (a) to give the authority further information or documents relevant to the application; or
- (b) to allow meat safety officers to inspect premises, vehicles, plant or equipment proposed to be used by the applicant.

(3) The authority may refuse the application if the applicant does not give the information or documents or allow the inspection.

(4) An application for accreditation must be—

- (a) made to the authority in a form approved by the authority; and
- (b) accompanied by the fee prescribed by standard.

(5) Without limiting subsection (4)(a), the application must set out the applicant's proposed program of production.

(6) The proposed program of production must be in sufficient detail to allow the authority to decide whether compliance with the program will ensure the wholesomeness and integrity of meat processed under the program are maintained.

(7) If the authority agrees, the applicant may amend the application before the authority has finished considering it.

Decision on application for accreditation

56.(1) The authority must consider an application for an accreditation and either—

- (a) grant the accreditation; or
- (b) refuse to grant the accreditation.

(2) The authority may grant a temporary accreditation under section 57 (Temporary accreditation pending final decision on application) while it is considering the application.

Temporary accreditation pending final decision on application

57.(1) If an application is made for an accreditation, the authority may grant a temporary accreditation under this section.

(2) The accreditation remains in force until the earliest of the following happens—

- (a) the period, of not longer than 2 months, stated in the accreditation ends;
- (b) the application is finally decided by the authority and the applicant is notified of the authority's decision;
- (c) the accreditation is revoked at the authority's discretion by notice given to the applicant.

(3) A reference in this or another Act to an accreditation includes a reference to a temporary accreditation in force under this section.

Granting of accreditation

58.(1) If the authority decides to grant the accreditation sought by an application, the authority must promptly give the applicant—

- (a) the accreditation; and
- (b) if a condition is stated in the accreditation—a written notice stating the applicant can appeal against the imposition of the condition to the tribunal within 28 days.

(2) The authority may grant an accreditation (other than a temporary

accreditation under section 57 (Temporary accreditation pending final decision on application)) only if the authority is satisfied—

- (a) the premises and vehicles proposed to be used in the applicant's proposed program of production—
 - (i) are appropriate for the program; and
 - (ii) meet the standards for premises and vehicles; and
- (b) the other aspects of the proposed program of production—
 - (i) are appropriate for the proposed meat processing; and
 - (ii) meet the standards relevant to the proposed program.

(3) When the authority grants the accreditation, the applicant's proposed program of production becomes the approved program of production for the accreditation.

Refusal to grant accreditation

59. If the authority decides to refuse to grant the accreditation sought by an application, the authority must promptly give to the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the applicant may appeal against the decision to the tribunal within 28 days.

Conditions of accreditation imposed by the authority

60.(1) When the authority grants an accreditation, it may impose reasonable and relevant conditions.

(2) The conditions must be stated in the accreditation.

(3) Without limiting subsection (1), the authority may impose conditions about—

- (a) species of animals to be killed; or
- (b) the type of meat to be used, whether by reference to species of animals or otherwise; or

- (c) where or from whom animals or meat may or may not be obtained; or
- (d) the scheduled inspections to be made by meat safety officers of the operation of the approved program of production; or
- (e) where or to whom meat may be disposed of; or
- (f) quantity of throughput; or
- (g) the premises, vehicles, plant and equipment to be used.

(4) A condition may confer powers on meat safety officers.

(5) If a power conferred on meat safety officers by a condition is exercised by a meat safety officer, the power is taken to be exercised with the consent of the holder of the accreditation.

Condition of accreditation about audits of program of production

61. It is a condition of an accreditation that the holder of the accreditation allow the authority to perform, without notice to the holder—

- (a) the number of periodic audits of the approved program of production stated in the accreditation; and
- (b) if an audit shows a significant failure to follow the approved program of production—the additional audits, at the holder's cost, the authority considers appropriate.

Other conditions of accreditation imposed by Act

62.(1) The following conditions also apply to an accreditation—

- (a) the holder of the accreditation must pay to the authority, in accordance with the standards, the annual and other fees payable under the standards;
- (b) the meat processing authorised by the accreditation must be carried out in accordance with the approved program of production;
- (c) if a disease appears in an animal or meat that is or is to be the subject of the meat processing—the holder of the accreditation must—

- (i) tell the authority about the disease; and
 - (ii) give a meat safety officer the reasonable assistance the meat safety officer requires to assess the implications of the appearance of the disease; and
 - (iii) unless otherwise instructed by the authority, retain possession of the animal or meat, but keep it separate from other animals or meat;
- (d) the holder of the accreditation must, when asked by a meat safety officer, produce for inspection—
- (i) the accreditation; or
 - (ii) a document the holder is required to keep under this Act or a condition of the accreditation;
- (e) the holder of the accreditation may make changes to premises, vehicles, plant and equipment stated in the accreditation only with the authority's approval;
- (f) the holder must comply with the standards.

Accreditation transferable only under standards

63. An accreditation may be transferred only under the standards.

Nominee of holder of accreditation

64.(1) The holder of an accreditation may, by written notice to the authority, appoint a person to be the holder's nominee for the accreditation.

(2) The appointment may be made by nominating—

- (a) a person by name; or
- (b) a specified officer, or the holder of a specified office, by reference to the title of the office concerned.

(3) A document required or permitted to be given under this Act to the holder of the accreditation may be given to the holder's nominee.

(4) An agreement required or permitted to be made under this Act with the holder of the accreditation may be made with the holder's nominee.

(5) A nomination under subsection (1) of a specified officer, or the holder of a specified office, is taken to be the nomination of the person for the time being occupying or acting in the office concerned.

Amendment of accreditation

65.(1) In this section—

“amendment” of an accreditation includes—

- (a) an amendment of the approved program of production; and
- (b) an amendment of the premises, vehicles, plant or equipment stated in the accreditation; and
- (c) another amendment of the conditions stated in the accreditation, including, for example, an amendment by way of insertion of an additional condition.

(2) If the authority considers an accreditation should be amended, the authority must give the holder of the accreditation a written notice (the **“show cause notice”**) that—

- (a) states the reasons for the amendment; and
- (b) outlines the facts and circumstances forming the basis of the reasons; and
- (c) invites the holder to show cause within a specified time, of not less than 28 days, why the accreditation should not be amended.

(3) The authority may amend the accreditation if, after considering all representations made within the specified time, the authority still considers the accreditation should be amended—

- (a) in the way mentioned in the show cause notice; or
- (b) in another way, having regard to the representations.

(4) If the authority decides to amend the accreditation, the authority must give the holder of the accreditation a written notice stating—

- (a) how the accreditation has been amended; and
- (b) that the holder may appeal against the amendment to the tribunal within 28 days.

(5) Subsections (2) to (4) do not apply if the accreditation is to be amended only—

- (a) by omitting a condition; or
- (b) for a formal or clerical reason; or
- (c) in another way that does not adversely affect the holder's interests; or
- (d) at the holder's request.

(6) The authority may make an amendment of a type mentioned in subsection (5) by written notice given to the holder.

(7) If the authority amends the approved program of production for an accreditation, the program as amended becomes the approved program of production.

Notice to return accreditation for alteration

66.(1) The authority may, by written notice, require the holder of an accreditation to return the accreditation to the authority within a specified time, of not less than 14 days, to enable the authority to alter the accreditation to reflect an amendment made under section 65 (Amendment of accreditation).

(2) After altering the accreditation, the authority must return it to the holder.

(3) The holder of an accreditation must comply with a notice under subsection (1), unless the holder has a reasonable excuse not to comply with it.

Maximum penalty—40 penalty units.

(4) The amendment of an accreditation under section 65 (Amendment of accreditation) does not depend on the accreditation being altered under this section.

Suspension or cancellation of accreditation

67.(1) Each of the following is a ground for the suspension or cancellation of an accreditation—

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- (a) the accreditation was obtained by incorrect or misleading information or documents or a false or misleading inspection;
- (b) the holder has not paid fees or other amounts payable to the authority;
- (c) the holder has contravened a condition of the accreditation;
- (d) the holder has committed an offence against this Act.

(2) If the authority considers a ground exists to suspend or cancel an accreditation (the **“action”**), the authority must give the holder of the accreditation a written notice (the **“show cause notice”**) that—

- (a) states the action proposed; and
- (b) states the grounds for proposing to take the action; and
- (c) outlines the facts and circumstances forming the basis for the grounds; and
- (d) if the authority proposes to suspend accreditation—states the proposed suspension period; and
- (e) invites the holder to show cause within a specified time, of not less than 28 days, why the action proposed should not be taken.

(3) If, after considering all representations made within the specified time, the authority still considers grounds to take the action exist, the authority may—

- (a) if the show cause notice was a notice of intention to suspend the accreditation for a specified period—suspend the accreditation for a period not longer than the specified period; or
- (b) if the show cause notice was a notice of intention to cancel the accreditation—
 - (i) cancel the accreditation; or
 - (ii) suspend the accreditation for a period.

(4) The authority must inform the holder of the decision by written notice.

(5) If the authority decides to suspend or cancel the accreditation, the notice must state—

- (a) the reasons for the decision; and

(b) that the holder may appeal against the decision to the tribunal within 28 days.

(6) The decision takes effect on the later of—

- (a) the day on which the notice is given to the holder; or
- (b) the day specified in the notice.

Return of suspended or cancelled accreditation

68.(1) If the authority cancels or suspends an accreditation, the authority may, by written notice, require the holder of the accreditation to return the accreditation to the authority within a specified time, of at least 14 days.

(2) The holder must comply with the notice, unless the holder has a reasonable excuse not to comply with it.

Maximum penalty—40 penalty units.

(3) If a suspended accreditation is returned to the authority, the authority must return the accreditation to the holder at the end of the suspension period.

Surrender of accreditation

69.(1) The holder of an accreditation may surrender an accreditation by written notice given to the authority.

(2) The accreditation must accompany the notice.

Division 3—Standards

Standards

70.(1) The authority may make standards for the purposes of this Act (other than parts 2, 6 and 7).

(2) A standard may be made on any of the following subjects—

- (a) the delivery of animals to, and the handling of animals at, saleyards and meat processing facilities;

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- (b) the marketing of animals at saleyards;
- (c) dealing with animals before they are killed;
- (d) premises, vehicles, plant and equipment used or intended to be used for meat processing;
- (e) the way meat processing is to be carried out;
- (f) the accreditation of meat processing;
- (g) the matters to be included in programs of production for meat processing;
- (h) quality assurance programs for meat processing, including the training, knowledge and experience of persons involved in carrying out quality assurance programs;
- (i) the quality, grading and classification of meat;
- (j) the packaging and labelling of meat;
- (k) the blending or mixing of meat with other substances;
- (l) the testing and analysis of meat, including when and by whom it must be done;
- (m) the transport and storage of meat, whether or not as part of meat processing;
- (n) sanitation, hygiene and the prevention of disease in animals and meat;
- (o) the marking of animals, meat and packages containing meat;
- (p) dealing with, and disposal of, condemned meat;
- (q) the powers of meat safety officers in relation to premises, vehicles, plant and equipment used for meat processing authorised by an accreditation;
- (r) the qualifications of meat safety officers and analysts;
- (s) fees payable to the authority or refundable by the authority;
- (t) the provision of information to the authority by persons engaged in meat processing;
- (u) any other matter relevant to the wholesomeness or integrity of meat or the interests of the industry.

(3) A standard may provide that contravention of a standard is an offence and prescribe a maximum penalty, of not more than 40 penalty units, for the offence.

Standard is subordinate legislation

71. A standard is subordinate legislation.

Regulations prevail over standards

72. If there is any inconsistency between a regulation and a standard (whether made before or after the regulation), the regulation prevails to the extent of the inconsistency.

Division 4—Major meat offences

Contravention of conditions of accreditation

73. The holder of an accreditation must not contravene a condition of the accreditation.

Maximum penalty—200 penalty units.

Unauthorised meat processing

74.(1) A person must not process meat other than under an accreditation.

Maximum penalty—

- (a) if the meat processing happens in trade or commerce—3 000 penalty units; or
- (b) in any other case—500 penalty units.

(2) This section does not apply to meat processing by a person if—

- (a) the meat is, or is from, an animal (including wild game) killed at premises by or on behalf of the owner of the premises and none of the meat from the animal is—
 - (i) intended for sale or sold; or

- (ii) intended for use or used as food for paying guests; or
- (iii) intended to be taken away or taken away from the premises;
or
- (b) the meat is, or is from, wild game and none of the meat from the game is—
 - (i) intended for sale or sold; or
 - (ii) intended for use or used in trade or commerce.

Meat substitution

75.(1) A person must not, during meat processing (whether under an accreditation or otherwise), do something to meat—

- (a) with the intention of deceiving another person about the species of animal the meat is from; or
- (b) that the person should reasonably know is likely to have the result, or is likely to contribute to the result, of another person being deceived about the species of animal the meat is from.

Maximum penalty—3 000 penalty units.

(2) For the purposes of subsection (1)(b), it does not matter when the result is likely to happen.

Unlawful adulteration of meat

76. A person must not, during meat processing (whether under an accreditation or otherwise), mix another substance with meat intended for sale or to be used in trade or commerce if—

- (a) the meat is intended for human food and the substance is a substance prescribed under the *Food Act 1981* as prohibited generally or for meat for human food; or
- (b) the mixing of the substance with the meat is prohibited by the standards.

Maximum penalty—500 penalty units.

Offences about official marks etc.

77.(1) A person must not—

- (a) manufacture, possess, apply, alter or remove an official mark; or
- (b) manufacture or possess an official marking device;

unless the person is authorised to do so under the standards.

(2) A person must not manufacture, possess or apply a mark that—

- (a) is not an official mark; but
- (b) resembles, or is apparently intended to resemble or pass for, an official mark.

Maximum penalty—500 penalty units.

False trade descriptions

78.(1) A person must not apply a false trade description to meat.

Maximum penalty—500 penalty units.

(2) A person applies a false trade description to meat if it is applied to—

- (a) the meat; or
- (b) a package containing the meat; or
- (c) a covering, label, reel or thing used to contain, store or transport the meat; or
- (d) a document about the meat or used in another way likely to lead another person to believe it describes or makes a representation about the meat.

Possession of meat not packed or marked under standards

79. A person must not, in trade or commerce, possess meat packed or marked otherwise than under the standards.

Maximum penalty—500 penalty units.

Attempts to commit offences

80.(1) A person who attempts to commit an offence against this division commits an offence.

Maximum penalty—half the maximum penalty for committing the attempted offence.

(2) Section 4 (Attempts to commit offences) of the Criminal Code applies to the attempt.

Division 5—Administration of accreditation provisions and standards**General powers of meat safety officer in relation to accredited premises etc.**

81.(1) A meat safety officer may, at any time and without notice, enter premises, or enter or board a vehicle, stated in an accreditation.

(2) The entry or boarding may be made as part of periodic audit of the accreditation's approved program of production or otherwise.

(3) The meat safety officer may—

- (a) inspect, examine, photograph or film the premises or vehicle or anything in or on the premises or vehicle; and
- (b) observe any meat processing taking place in or on the premises or vehicle; and
- (c) take samples from or of—
 - (i) an animal (whether alive or dead) or meat in or on the premises or vehicle; or
 - (ii) water, food additives or other substances used, or apparently intended to be used, in or in association with meat processing in or on the premises or vehicle; or
 - (iii) any other substance in or on the premises or vehicle; or
 - (iv) any part of the premises or vehicle; and
- (d) mark animals, meat or anything used, or apparently intended to be used, in connection with animals or meat; and

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- (e) take into or onto the premises or vehicle any persons, equipment and materials the officer reasonably requires for exercising powers in relation to the premises or vehicle; and
- (f) require the holder of the accreditation, or an employee of the holder who is at the premises or on or in the vehicle, to give the officer reasonable assistance in relation to the exercise of the officer's powers under this Act.

(4) A person who is required by a meat safety officer under subsection (3)(f) to give reasonable assistance to the officer must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(5) If the assistance is required to be given by a person by answering a question or producing a document, the person is not excused from providing the assistance on the ground the answer or production of the document might tend to incriminate the person.

(6) Neither the answer nor the fact the person produced the document is admissible in evidence against the person in a criminal proceeding (other than a proceeding about the falsity of the answer or document) if—

- (a) before answering the question or producing the document, the person claims that answering the question or producing the document might tend to incriminate the person; and
- (b) answering the question or producing the document might in fact tend to incriminate the person.

(7) Subsection (6) does not apply to a document the holder of the accreditation is required to keep under this Act or a condition of the accreditation.

Analysis of samples

82.(1) The authority may cause samples taken by meat safety officers to be analysed.

(2) The cost of analysing samples taken from premises or vehicles stated in an accreditation is a debt payable by the holder of the accreditation to the authority.

(3) A certificate purporting to be given by the authority, and stating the cost of analysing samples taken from specified premises or vehicles, is evidence of the matter.

Meat analysis

83.(1) If the authority submits a sample of meat taken by a meat safety officer to an analyst for analysis, the authority must obtain from the analyst a certificate certifying the results of the analysis and give the holder of the accreditation concerned a copy of the certificate.

(2) If a particular method of analysis has been prescribed by standard, the analyst must follow the method.

(3) A person must not use as an advertisement—

- (a) the results of an analysis made under this Act; or
- (b) a communication received from an analyst about an analysis made under this Act.

Maximum penalty for subsection (3)—40 penalty units.

Power to enforce standards for premises, vehicles, plant or equipment

84.(1) If premises, a vehicle, plant or equipment used for meat processing authorised by an accreditation does not comply with the standards, the authority may, by written notice to the holder of the accreditation, require the holder to take specified action within a specified time to comply with the standards.

(2) The notice may also prohibit use of the premises, vehicle, plant or equipment for meat processing until it complies with the standards.

(3) If premises, a vehicle, plant or equipment used for meat processing authorised by an accreditation is, in the authority's opinion, inappropriate or no longer appropriate for use in meat processing or a particular use in meat processing, the authority may, by written notice to the holder of the accreditation, prohibit that use of the premises, vehicle, plant or equipment.

(4) If the holder of an accreditation contravenes a notice given to the holder under this section, the holder commits an offence.

Maximum penalty for subsection (4)—500 penalty units.

Seizure of meat to aid inspection

85.(1) A meat safety officer may seize meat that has been, or that the officer believes on reasonable grounds has been, the subject of meat processing under an accreditation if the officer believes it is necessary to seize the meat to prevent it being dealt with before its wholesomeness and integrity can be decided.

(2) If a meat safety officer is later satisfied about the meat's wholesomeness and integrity, the meat must be immediately released.

(3) However, if a meat safety officer is not satisfied, the meat becomes the authority's property if—

- (a) its seizure is not the subject of an appeal to the tribunal within 48 hours after it is seized; or
- (b) if its seizure is the subject of an appeal—the seizure is confirmed.

(4) Meat that becomes the authority's property under subsection (3) may be disposed of by the authority in any reasonable way, but, if it is sold, the net proceeds are to be paid to the holder of the accreditation or the meat's previous owner.

Power to condemn meat as unfit for human food

86.(1) If a meat safety officer believes meat inspected by the meat safety officer is inappropriate for human food or does not comply with the standards for human food, the meat safety officer—

- (a) may, by order, condemn the meat; and
- (b) must, if the meat is condemned, take the action prescribed by standard for warning that the meat has been condemned.

(2) The meat safety officer may agree with the holder of the accreditation not to condemn meat on condition that—

- (a) within an agreed time, the holder process the meat to make it appropriate for human food or to comply with the standards for human food; or
- (b) the holder ensures the meat is used only for animal food.

(3) If the holder of the accreditation contravenes the agreed condition, the

holder commits an offence.

Maximum penalty for subsection (3)—500 penalty units.

Power to condemn meat as unfit for human or animal food

87.(1) If a meat safety officer believes meat inspected by the meat safety officer is inappropriate for both human and animal food or does not comply with the standards for human or animal food, the meat safety officer—

- (a) may, by order, condemn the meat; and
- (b) must, if the meat is condemned, take the action prescribed by standard for warning that the meat has been condemned.

(2) The meat safety officer may agree with the holder of the accreditation not to condemn meat on condition that—

- (a) within an agreed time, the holder process the meat to make it appropriate for human or animal food or to comply with the standards for human or animal food; or
- (b) the holder ensures the meat is used for agreed limited purposes.

(3) If the holder of the accreditation contravenes the agreed condition, the holder commits an offence.

Maximum penalty for subsection (3)—500 penalty units.

Disposal of condemned meat

88.(1) If a meat safety officer condemns meat under section 86 (Power to condemn meat as unfit for human food) or 87 (Power to condemn meat as unfit for human or animal food), the meat safety officer may order the holder of the accreditation to dispose of the meat.

(2) The order may direct the holder how to dispose of the meat.

(3) The holder of the accreditation must comply with the order.

Maximum penalty for subsection (3)—500 penalty units.

Keeping of meat to enable analysis

89.(1) If, in a meat safety officer's opinion, an analysis of an animal or meat should be performed to decide whether an order should be made under section 86 (Power to condemn meat as unfit for human food) or 87 (Power to condemn meat as unfit for human or animal food), the officer may direct the holder of the accreditation concerned to ensure the meat is kept as directed by the officer.

(2) If the direction is not complied with, the holder of the accreditation commits an offence.

Maximum penalty for subsection (2)—500 penalty units.

Prohibition on killing etc. diseased animals

90.(1) If a meat safety officer believes an animal killed or intended to be killed in meat processing is diseased, the meat safety officer may order the holder of the accreditation not to use the animal for meat.

(2) The order may direct the holder or owner how to dispose of the animal.

(3) A person who is given an order under this section must comply with the order.

Maximum penalty for subsection (3)—500 penalty units.

Power to require segregation of person suffering from infectious disease

91.(1) If a meat safety officer believes a person employed or otherwise taking part in meat processing has an infectious disease, the meat safety officer may order the holder of the accreditation to segregate the person from meat processing activities that might otherwise—

- (a) result in the transmission of disease to a person or animal; or
- (b) in some other way, cause the wholesomeness of the meat to be adversely affected.

(2) The order may specify the extent to which or how the person is to be segregated.

(3) The holder of the accreditation must comply with the order.
Maximum penalty—200 penalty units.

PART 5—ENFORCEMENT MATTERS

Division 1—Nature of powers of meat safety officers

Powers of meat safety officers under this part

92.(1) The powers given to a meat safety officer under this part are in addition to, and do not limit, the powers given to a meat safety officer under—

- (a) another part of this Act; or
- (b) a condition of an accreditation.

(2) The powers under this part may be exercised in relation to—

- (a) premises and vehicles stated in an accreditation; and
- (b) other premises and vehicles.

(3) If a meat safety officer may exercise a power under a provision of this part and another provision of this Act, the meat safety officer may exercise the power under either or both provisions.

(4) If a meat safety officer may exercise a power under this part and under a condition of an accreditation, the officer may exercise the power under either or both.

Division 2—Powers of meat safety officers in relation to places and vehicles

Entry of place by meat safety officer

93. A meat safety officer may enter a place if—

- (a) the occupier of the place consents to the entry; or

- (b) it is a public place and the entry is made when the place is open to the public; or
- (c) the entry is authorised by a warrant.

Warrants

94.(1) A meat safety officer may apply to a magistrate for a warrant for a place.

(2) The application must—

- (a) be sworn; and
- (b) set out the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the meat safety officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

Example—

The magistrate may require additional information supporting the application be given by statutory declaration.

(4) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—

- (a) there is a particular thing or activity (the “**evidence**”) that may provide evidence of the commission of an offence against this Act; and
- (b) the evidence is, or may be within the next 7 days, at the place.

(5) The warrant must state—

- (a) that the meat safety officer may, with necessary and reasonable assistance and force—
 - (i) enter the place; and
 - (ii) exercise the meat safety officer’s powers under this Act; and
- (b) the evidence for which the warrant is issued; and
- (c) the hours of the day when entry may be made; and
- (d) the day (within 14 days after the warrant’s issue) on which the warrant stops having effect.

Warrants—applications made otherwise than in person

95.(1) A meat safety officer may apply for a warrant by phone, fax, radio or another form of communication if the meat safety officer considers it necessary because of—

- (a) urgent circumstances; or
- (b) other special circumstances, including, for example, the officer's remote location.

(2) Before applying for the warrant, the meat safety officer must prepare an application setting out the grounds on which the warrant is sought.

(3) The meat safety officer may apply for the warrant before the application is sworn.

(4) If the magistrate issues the warrant and it is reasonably practicable to fax a copy of it to the meat safety officer, the magistrate must immediately fax the copy to the officer.

(5) If the magistrate issues the warrant but it is not reasonably practicable to fax a copy of it to the meat safety officer—

- (a) the magistrate must—
 - (i) tell the officer what the terms of the warrant are; and
 - (ii) tell the officer the date and time the warrant was signed; and
 - (iii) record the reasons for issuing the warrant on the warrant; and
- (b) the officer must—
 - (i) complete a form of warrant (“**warrant form**”) in the same terms as the warrant issued by the magistrate; and
 - (ii) write on the warrant form the name of the magistrate and the date and time the magistrate signed the warrant.

(6) The facsimile warrant, or the warrant form properly completed by the meat safety officer, is authority for the entry and the exercise of the other powers authorised by the warrant issued by the magistrate.

(7) The meat safety officer must send to the magistrate—

- (a) the sworn application; and

- (b) if a warrant form was completed by the officer—the completed warrant form.

(8) The sworn application and any completed warrant form must be sent to the magistrate at the earliest practicable opportunity.

(9) When the magistrate receives the application and any warrant form, the magistrate must attach them to the warrant issued by the magistrate.

(10) If—

- (a) it is material for a court to be satisfied the exercise of a power was authorised by a warrant issued under this section; and
- (b) the warrant is not produced in evidence;

the court must assume the exercise of power was not authorised by a warrant, unless the contrary is proved.

Entry or boarding of vehicles

96.(1) A meat safety officer may enter or board a vehicle if the officer has reasonable grounds for suspecting—

- (a) the vehicle is being, or has been, used in the commission of an offence against this Act; or
- (b) the vehicle, or a thing in or on the vehicle, may provide evidence of the commission of an offence against this Act.

(2) If the vehicle is moving or about to move, the meat safety officer may signal the person in control of the vehicle—

- (a) to stop the vehicle; or
- (b) not to move the vehicle.

(3) To enable the vehicle to be entered or boarded, the meat safety officer may—

- (a) act with necessary and reasonable assistance and force; and
- (b) require the person in control of the vehicle to give reasonable assistance to the officer.

(4) A person must not disobey a signal under subsection (2), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(5) A person must not fail to comply with a requirement under subsection (3)(b), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(6) It is a reasonable excuse for a person to disobey a signal under subsection (2) if—

- (a) the person reasonably believes that to obey the signal immediately would have endangered the person or another person; and
- (b) the person obeys the signal as soon as it is practicable to obey it.

Meat safety officer's general powers in relation to places and vehicles

97.(1) A meat safety officer who enters a place, or enters or boards a vehicle, under this part may—

- (a) inspect, examine, photograph or film anything in or on the place or vehicle; or
- (b) search any part of the place or vehicle; or
- (c) take samples of or from anything in or on the place or vehicle; or
- (d) take extracts from, or make copies of, any documents in or on the place or vehicle; or
- (e) take into or onto the place or vehicle any persons, equipment and materials the meat safety officer reasonably requires for exercising any powers in relation to the place or vehicle; or
- (f) require the occupier of the place, or any person in or on the place or vehicle, to give the officer reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (e); or
- (g) if the officer enters or boards a vehicle—require the person in control of the vehicle—
 - (i) to bring the vehicle to a specified place; and
 - (ii) to remain in control of the vehicle at the place for a reasonable time;

to enable the officer to exercise the powers mentioned in

paragraphs (a) to (e).

(2) A person who is required by a meat safety officer under subsection (1)(f) to give reasonable assistance to the officer in relation to the exercise of a power must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(3) If the assistance is required to be given by a person by—

- (a) answering a question; or
- (b) producing a document (other than a document required to be kept by the person under this Act);

it is a reasonable excuse for the person to fail to answer the question, or produce the document, if complying with the requirement might tend to incriminate the person.

(4) A person who is required by a meat safety officer under subsection (1)(g) to take action in relation to a vehicle must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

Power to seize evidence

98.(1) A meat safety officer who enters a place under this part under the authority of a warrant may seize the evidence for which the warrant was issued.

(2) A meat safety officer who enters a place under this part with the consent of the occupier may seize the particular thing for which the entry was made if the officer believes on reasonable grounds the thing is evidence of an offence against this Act.

(3) A meat safety officer who enters a place under this part may also seize another thing if the officer believes on reasonable grounds—

- (a) the thing is evidence of the commission of an offence against this Act; and
- (b) the seizure is necessary to prevent—

- (i) the concealment, loss, death or destruction of the thing; or
- (ii) the use of the thing in committing, continuing or repeating the offence.

(4) A meat safety officer who enters or boards a vehicle under this part may—

- (a) seize a thing in or on the vehicle; or
- (b) after searching the vehicle—seize the vehicle;

if the officer believes on reasonable grounds the thing or vehicle is evidence of the commission of an offence against this Act.

Procedure after thing seized

99.(1) As soon as practicable after a thing (including a vehicle) is seized by a meat safety officer under this part, the officer must give a receipt for it to the person from whom it was seized.

(2) If, for any reason, it is not practicable to comply with subsection (1), the meat safety officer must—

- (a) leave the receipt at the place where the thing was seized; and
- (b) ensure the receipt is left—
 - (i) in a reasonably secure way; and
 - (ii) in a conspicuous position.

(3) The meat safety officer must allow a person who would be entitled to the seized thing if it were not in the officer's possession—

- (a) to inspect it; or
- (b) if it is a document—to take extracts from it or make copies of it.

(4) The meat safety officer must return the seized thing to the person at the end of—

- (a) 6 months; or
- (b) if a prosecution for an offence involving it is started within 6 months—the prosecution for the offence and any appeal from the prosecution.

(5) Despite subsection (4), the meat safety officer must return the seized thing to the person immediately the officer stops being satisfied its retention as evidence is necessary.

(6) However, the meat safety officer may retain the seized thing if the officer believes, on reasonable grounds, that its continued retention is necessary to prevent its use in committing an offence against this Act.

Division 3—Seizure of unlawfully processed meat

Seizing of meat

100.(1) A meat safety officer may seize meat if the officer—

- (a) enters a place, or enters or boards a vehicle under this part; and
- (b) finds the meat in or on the place or vehicle; and
- (c) believes, on reasonable grounds, that an offence has been committed against section 74 (Unauthorised meat processing) in relation to the meat.

(2) The meat becomes the authority's property if—

- (a) its seizure is not the subject of an appeal to a Magistrates Court within 48 hours after its seizure; or
- (b) if its seizure is the subject of an appeal to a Magistrates Court—the seizure is confirmed.

Where and how to start appeal

101.(1) The appeal may be made to the Magistrates Court nearest where the meat was seized.

(2) The appeal is started by—

- (a) filing a written notice of appeal with the clerk of the court of the Magistrates Court; and
- (b) giving a copy of the notice to the authority.

(3) Without limiting subsection (2)(b), the authority is given a copy of

the notice if a copy is given to the meat safety officer who seized the meat.

(4) The notice of appeal must state the grounds of the appeal.

Hearing procedures

102. In deciding the appeal, the Magistrates Court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

Powers of Magistrates Court on appeal

103. In deciding the appeal, the Magistrates Court may—

- (a) confirm the seizure of the meat; or
- (b) set aside the seizure and order the return of the meat.

Appeal to District Court on questions of law only

104. A party aggrieved by the decision of the Magistrates Court may appeal to the District Court, but only on a question of law.

Disposal of seized meat

105.(1) Meat that becomes the authority's property under this division may be disposed of in any reasonable way.

(2) However, if—

- (a) the seizure of the meat is the subject of an appeal to a Magistrates Court; and
- (b) the Magistrates Court confirms the seizure;

the court may direct the authority how to dispose of the meat.

Division 4—Other enforcement powers of meat safety officers**Power to require name and address**

106.(1) A meat safety officer may require a person to state the person's name and address if the meat safety officer—

- (a) finds the person committing an offence against this Act; or
- (b) finds the person in circumstances that lead, or has information that leads, the officer to suspect on reasonable grounds the person has just committed an offence against this Act.

(2) When making the requirement, the meat safety officer must warn the person it is an offence to fail to state the person's name and address, unless the person has a reasonable excuse.

(3) The meat safety officer may require the person to give evidence of the correctness of the person's name or address if the officer suspects, on reasonable grounds, that the name or address given is false.

(4) A person must comply with a meat safety officer's requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(5) The person does not commit an offence against this section if—

- (a) the meat safety officer required the person to state the person's name and address on suspicion of the person having committed an offence against this Act; and
- (b) the person is not proved to have committed the offence.

Power to require information from certain persons

107.(1) This section applies if a meat safety officer suspects, on reasonable grounds—

- (a) an offence against this Act has happened; and
- (b) a person may be able to give information about the offence.

(2) The meat safety officer may require the person to give information

about the offence.

(3) When making the requirement, the meat safety officer must warn the person it is an offence to fail to give the information, unless the person has a reasonable excuse.

(4) The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(5) It is a reasonable excuse for the person to fail to give information if giving the information might tend to incriminate the person.

(6) The person does not commit an offence against this section if the information sought by the meat safety officer is not in fact relevant to the offence.

Power to require production of documents

108.(1) A meat safety officer may require a person to produce a document required to be kept by the person under this Act to the officer for inspection.

(2) The person must produce the document, unless the person has a reasonable excuse for not producing it.

Maximum penalty—40 penalty units.

(3) The meat safety officer may keep the document to take an extract from it or make a copy of it.

(4) The meat safety officer must return the document to the person as soon as practicable after taking the extract or making the copy.

Division 5—Other enforcement matters

Restraining orders

109.(1) The authority may bring a proceeding in the District Court for an order to restrain a person from—

- (a) continuing or repeating a particular activity; or

(b) committing an offence against this Act.

(2) The court may make an order under subsection (1)(a) if it is satisfied—

(a) the person will commit an offence against this Act if the person continues or repeats the activity; and

(b) the activity may adversely affect the health of persons or animals.

(3) The court may make an order under subsection (1)(b) if it is satisfied the person has been convicted of an offence against this Act on at least 3 separate occasions.

(4) If a person contravenes an order under this section, the person commits an offence against this subsection.

Maximum penalty for subsection (4)—500 penalty units.

False or misleading information

110.(1) A person must not—

(a) state anything to a meat safety officer the person knows is false or misleading in a material particular; or

(b) omit from a statement made to a meat safety officer anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—60 penalty units.

(2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states the statement made was false or misleading to the person's knowledge.

False or misleading documents

111.(1) A person must not give the authority or a meat safety officer a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—60 penalty units.

(2) Subsection (1) does not apply to a person who, when giving the

document—

- (a) informs the authority or meat safety officer of the extent to which the document is false, misleading or incomplete; and
- (b) gives the correct information to the authority or officer if the person has, or can reasonably obtain, the correct information.

Compensation

112.(1) A person may claim compensation from the authority if the person incurs loss or expense because of the exercise or purported exercise of a power under this part.

(2) Payment of compensation may be claimed and ordered in a proceeding for—

- (a) compensation brought in a court of competent jurisdiction; or
- (b) an offence against this Act brought against the person making the claim for compensation.

(3) A court may order the payment of compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.

Meat safety officer to give notice of damage

113.(1) A meat safety officer who, in the exercise of a power under this part, damages anything must immediately give written notice of the particulars of the damage.

(2) The notice must be given to the person who appears to the meat safety officer to be the owner of the thing.

(3) If, for any reason, it is not practicable to comply with subsection (2), the meat safety officer must—

- (a) leave the notice at the place where the damage happened; and
- (b) ensure the notice is left—
 - (i) in a reasonably secure way; and
 - (ii) in a conspicuous position.

Consent to entry

114.(1) This section applies if a meat safety officer intends to seek the consent of an occupier of a place to the entry of the place by the officer under this part.

(2) Before seeking the consent, the meat safety officer may inform the occupier that the occupier may refuse to give the consent.

(3) If the consent is given, the meat safety officer may ask the occupier to sign an acknowledgment of the consent.

(4) The acknowledgment must—

- (a) state the occupier was informed of the occupier's right to refuse to give the consent; and
- (b) state the occupier gave the meat safety officer consent under this part—
 - (i) to enter the place; and
 - (ii) to exercise the powers mentioned in section 97 (Meat safety officer's general powers in relation to places and vehicles); and
- (c) specify the time at and date on which the consent was given.

Evidence of consent

115.(1) This section applies to a proceeding if—

- (a) it is material for a court to be satisfied of the consent of an occupier of a place to the entry of the place by a meat safety officer under this part; and
- (b) an acknowledgment under section 114 (Consent to entry) is not produced in evidence.

(2) In a proceeding to which this section applies, the court may assume the occupier did not consent, unless the contrary is proved.

Obstruction of meat safety officers

116. A person must not obstruct a meat safety officer in the exercise of a

power, unless the person has a reasonable excuse.

Maximum penalty—60 penalty units.

Impersonation of meat safety officer

117. A person must not pretend to be a meat safety officer.

Maximum penalty—80 penalty units.

Division 6—Evidence

Evidentiary provisions

118.(1) This section applies to a proceeding under this Act.

(2) Unless a party, by reasonable notice, requires proof of—

- (a) the appointment of a meat safety officer; or
- (b) the authority of a meat safety officer to do anything under this Act;

the appointment or authority must be assumed.

(3) A signature purporting to be the signature of the chief executive officer or secretary of the authority, the chief meat officer, a meat safety officer or an analyst is evidence of the signature it purports to be.

(4) A certificate purporting to be signed by the chief executive officer or secretary and stating any of the following matters is evidence of the matter—

- (a) a specified document is—
 - (i) an accreditation or a copy of an accreditation; or
 - (ii) an order, direction or decision, or a copy of an order, direction or decision, given or made under this Act; or
 - (iii) a notice, or a copy of a notice, given under this Act; or
 - (iv) a record, or a copy of a record, kept under this Act; or
 - (v) a document, or a copy of a document, kept under this Act;

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- (b) on a specified day, or throughout a specified period, a specified person was or was not the holder of an accreditation or a specified accreditation;
 - (c) a specified accreditation was or was not in force on a specified day or throughout a specified period;
 - (d) on a specified day, a specified accreditation—
 - (i) was suspended for a specified period; or
 - (ii) was cancelled;
 - (e) on a specified day, a specified person was given a specified notice, order or direction under this Act;
 - (f) a specified fee or other amount is payable by a specified person to the authority and has not been paid.
- (5) A certificate purporting to be signed by an analyst, and stating—
- (a) the analyst received from a specified person the sample mentioned in the certificate; and
 - (b) the analyst analysed the sample on a specified day and at a specified place; and
 - (c) the results of the analysis;

is evidence of the matter stated in the certificate.

Conduct of executive officers, employees and agents

119.(1) In this section—

“engaging” in conduct includes failing to engage in conduct.

“representative” means—

- (a) in relation to a corporation—an executive officer, employee or agent of the corporation; or
- (b) in relation to an individual—an employee or agent of the individual.

“state of mind” of a person includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and

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(b) the person's reasons for the intention, opinion, belief or purpose.

(2) If, in a proceeding for an offence against this Act, it is necessary to establish the state of mind of a corporation about particular conduct, it is sufficient to show—

(a) the conduct was engaged in by a representative of the corporation within the scope of the representative's actual or apparent authority; and

(b) the representative had the state of mind.

(3) Conduct engaged in on behalf of a corporation by a representative of the corporation within the scope of the representative's actual or apparent authority is taken, in a proceeding for an offence against this Act, to have been engaged in also by the corporation unless the corporation establishes it took reasonable precautions and exercised proper diligence to avoid the conduct.

(4) If, in a proceeding for an offence against this Act, it is necessary to establish the state of mind of an individual about particular conduct, it is sufficient to show—

(a) the conduct was engaged in by a representative of the individual within the scope of the representative's actual or apparent authority; and

(b) the representative had the state of mind.

(5) Conduct engaged in on behalf of an individual by a representative of the individual within the scope of the representative's actual or apparent authority is taken, in a proceeding for an offence against this Act, to have been engaged in also by the individual unless the individual establishes the individual took reasonable precautions and exercised proper diligence to avoid the conduct.

PART 6—ADMINISTRATIVE APPEALS

Division 1—The Meat Industry Tribunal

Establishment of tribunal

120. The Meat Industry Tribunal is established.

Composition of tribunal

121.(1) The tribunal is to consist of 3 members appointed by the Governor in Council of whom—

- (a) 1 (the chairperson) is to be a barrister or solicitor; and
- (b) at least 1 is to be a person with wide knowledge and experience of the industry.

(2) A person is not eligible to be appointed as a member of the tribunal if the person is a member of—

- (a) the Legislative Assembly, or of any House of Parliament of the Commonwealth, another State or a Territory; or
- (b) the authority or the abattoir corporation.

(3) The appointment of a member of the tribunal is to be for the term stated in the member's instrument of appointment.

(4) The office of a member of the tribunal becomes vacant if the member—

- (a) resigns by signed notice to the Minister; or
- (b) is absent from 3 consecutive sittings of the tribunal without the chairperson's or Minister's leave and without reasonable excuse; or
- (c) is convicted of an indictable offence or an offence against this Act; or
- (d) becomes employed by, or a contractor of, the authority; or
- (e) is removed from office by the Governor in Council under subsection (5).

(5) The Governor in Council may remove a member of the tribunal from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) becomes a person who, because of subsection (2), would not be eligible to be appointed as a member of the tribunal; or
- (e) uses the office for party political purposes.

(6) The Governor in Council may appoint a person to act as a member of the tribunal during—

- (a) any vacancy, or all vacancies, in the office of a member; or
- (b) any period, or all periods, when the member is absent or unable for any reason to perform the duties of the office.

Remuneration of members

122. A member of the tribunal is entitled to be paid the salary, fees and allowances decided by the Governor in Council.

Secretary and staff

123. The tribunal is to have a secretary and the other staff necessary for the proper performance of its functions.

Expenses of tribunal

124. The authority must meet all expenses (including salaries, fees and allowances payable to members of the tribunal) properly incurred by the tribunal.

Division 2—Proceedings of tribunal**Time and place of proceedings**

125. The tribunal is to sit at the times and places the chairperson decides.

Decisions of tribunal

126.(1) The tribunal may be formed for the purpose of hearing an appeal by the chairperson and 1 or 2 other members.

(2) If the tribunal is formed by 3 members, a decision in which a majority of the members agree is a decision of the tribunal.

(3) If the tribunal is formed by 2 members, the decision of the chairperson is to be the decision of the tribunal if there is a disagreement.

Evidence and procedure

127.(1) The tribunal is not bound by the rules of evidence and may inform itself in any way it considers appropriate, but must observe natural justice.

(2) Subject to any procedural rules prescribed by regulation, the tribunal may decide its own procedures.

(2A) In deciding an appeal, the tribunal is unaffected by the decision appealed against.

(3) A party to an appeal may appear personally or by an agent before the tribunal but may be represented by counsel or a solicitor only with leave of the tribunal or the chairperson.

(4) The tribunal, formed by the chairperson alone, may conduct a preliminary hearing of an appeal to decide interlocutory and other preliminary matters.

(5) In a preliminary hearing, the tribunal may—

- (a)** make orders for the conduct of the appeal; or
- (b)** require parties to make discovery or permit inspection of evidentiary material; or

- (c) require parties to file pleadings; or
- (d) grant a party leave to be represented by counsel or a solicitor; or
- (e) strike out the appeal because it is frivolous or vexatious.

Costs

128.(1) Each party in an appeal bears the party's own costs of the appeal.

(2) However, if the tribunal strikes out an appeal under section 127(5)(e), the tribunal may order the appellant to pay to the authority the amount the tribunal considers to be the cost to the authority of the expenses of the tribunal for the appeal.

(3) The amount may be recovered by the authority as a debt payable to the authority by the appellant.

Powers in relation to witnesses etc.

129.(1) The chairperson, or a person who has the chairperson's written authority, may, by written notice given to a person, require the person to appear before the tribunal at a specified time and place to give evidence or to produce specified documents.

(2) The chairperson, or a person authorised by the chairperson, may administer an oath or affirmation to a person appearing as a witness before the tribunal.

(3) A person who is given a notice under subsection (1) must—

- (a) attend as required by the notice; and
- (b) continue to attend as required by the chairperson until excused from further attendance.

Maximum penalty—40 penalty units.

(4) A person appearing as a witness before the tribunal must not—

- (a) fail to take an oath or make an affirmation when required by the chairperson; or
- (b) fail, without reasonable excuse, to answer a question the person is required to answer by the chairperson; or

- (c) fail, without reasonable excuse, to produce a document the person is required to produce by a notice under subsection (1).

Maximum penalty—40 penalty units.

(5) It is a reasonable excuse for a person to fail to answer a question or to produce a document if answering the question or producing the document might tend to incriminate the person.

(6) A person required to appear as a witness before the tribunal is entitled to the witness fees prescribed by regulation or, if no witness fees are prescribed, the witness fees decided by the chairperson.

Division 3—Jurisdiction of tribunal

Appeals to tribunal

130.(1) A person aggrieved by an order, direction, requirement or other decision of the authority or a meat safety officer may appeal against the decision to the tribunal but only on 1 or more of the following grounds—

- (a) the decision was contrary to this Act;
- (b) the decision is manifestly unfair to the appellant;
- (c) the decision will cause severe and unjustified financial hardship to the appellant.

(2) However, the following decisions can not be appealed against—

- (a) a decision of the authority about making, amending or repealing a standard;
- (b) a decision of the authority about its policy;
- (c) a decision of the authority about starting or continuing a prosecution against a person for an offence against this Act;
- (d) a decision made in relation to an employee of the authority in the person's capacity as an employee;
- (e) a decision of a meat safety officer that is, by regulation, the subject of administrative review by the authority or an officer of the authority;

- (f) a requirement or other decision of a meat safety officer under part 5 (Enforcement matters).

(3) In this section, a reference to a decision includes a reference to a failure to make a decision.

How to start an appeal

131.(1) An appeal is started by filing a written notice of appeal with the tribunal.

(2) The notice of appeal must—

- (a) state the grounds of the appeal; and
- (b) be accompanied by the fee prescribed under a regulation.

(3) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(4) The tribunal may at any time extend the period for filing the notice of appeal.

(5) The tribunal must give a copy of the notice to the authority.

Stay of operation of decisions etc.

132.(1) The tribunal has power to stay a decision appealed against for the purpose of securing the effectiveness of the appeal.

(2) A stay—

- (a) may be granted on conditions the tribunal considers appropriate; and
- (b) has effect for the period specified by the tribunal; and
- (c) may be revoked or amended by the tribunal.

(3) The period of a stay specified by the tribunal must not extend past the time when the tribunal decides the appeal.

(4) An appeal against a decision does not affect the decision unless it is stayed.

Powers of tribunal on appeal

133.(1) In deciding an appeal, the tribunal may—

- (a) confirm the decision appealed against; or
- (b) set the decision aside and substitute another decision; or
- (c) set the decision aside and return the matter to the authority or meat safety officer with directions the tribunal considers appropriate.

(2) In substituting another decision, the tribunal has the same powers as the authority or meat safety officer.

Example—

The tribunal may decide that an unsuccessful applicant for an accreditation be granted the accreditation and state specified conditions in the accreditation.

(3) If the tribunal substitutes another decision the substituted decision is taken, for the purposes of this Act, to be the decision of the authority or meat safety officer.

PART 7—QUEENSLAND ABATTOIR CORPORATION

Division 1—Establishment of abattoir corporation

Establishment

134. The Queensland Abattoir Corporation is established.

Abattoir corporation is a body corporate etc.

135.(1) The abattoir corporation—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

(2) The abattoir corporation does not represent the State.

(3) The abattoir corporation is an exempt public authority under the Corporations Law.

Division 2—Functions and powers of abattoir corporation

Functions

136.(1) The abattoir corporation's primary function is to operate meat processing and associated facilities.

(2) The other functions of the abattoir corporation are—

- (a) to produce meat and other meat processing products; and
- (b) to supply meat processing services and facilities, and associated facilities, for other persons; and
- (c) to trade in livestock, meat and other meat processing products; and
- (d) to supply services and facilities to enable other persons to trade in livestock, meat and other meat processing products; and
- (e) to advise the Minister on issues affecting the corporation, either on the corporation's own initiative or if asked by the Minister.

(3) The abattoir corporation may trade in livestock and meat only with the Minister's written approval.

(4) An approval under subsection (3) may be given on conditions.

(5) The abattoir corporation must perform its functions on a commercial basis.

(6) Parts 4 and 5 apply to the abattoir corporation in the same way as they apply to any other person who operates meat processing and associated facilities.

General powers

137.(1) The abattoir corporation has, for or in connection with the performance of its functions, all the powers of a natural person, and may,

for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) make charges for services and facilities it supplies; and
- (e) construct and acquire meat processing facilities, and start to operate, or stop operating, meat processing facilities; and
- (f) make arrangements for another person to supply meat processing services and facilities for it; and
- (g) join and participate in industry associations; and
- (h) engage in advertising and promotion; and
- (i) adopt and trade under business names; and
- (j) do other things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the abattoir corporation has the powers given to it under this or another Act.

(3) The abattoir corporation may exercise its powers inside and outside Queensland.

(4) Without limiting subsection (3), the abattoir corporation may exercise its powers outside Australia.

Delegation

138. The abattoir corporation may delegate its powers to an abattoir corporation committee, member or employee.

Division 3—Reserve powers of Minister

Reserve power of Minister to notify abattoir corporation of public sector policies

139.(1) The Minister may give the abattoir corporation written notice of a

public sector policy that is to apply to the corporation if the Minister is satisfied it is necessary to give the notice in the public interest.

(2) The abattoir corporation must ensure the policy is carried out.

(3) Before giving the notice, the Minister must—

- (a) consult with the abattoir corporation; and
- (b) ask the corporation to advise whether, in its opinion, carrying out the policy would not be in its commercial interest.

(4) The Minister must cause a copy of the notice to be gazetted within 21 days after it is given.

Reserve power of Minister to give directions in public interest

140.(1) The Minister may give the abattoir corporation a written direction if the Minister is satisfied it is necessary to give the direction in the public interest because of exceptional circumstances.

(2) The abattoir corporation must ensure the direction is complied with.

(3) Before giving the direction, the Minister must—

- (a) consult with the abattoir corporation; and
- (b) ask the corporation to advise whether, in its opinion, complying with the direction would not be in its commercial interest.

(4) The Minister must cause a copy of the direction to be gazetted within 21 days after it is given.

Additional matters to be included in annual report

141. Each annual report of the abattoir corporation must include particulars of the impact on its financial position, profits and losses and prospects of any notices and directions given to it by the Minister under this division that relate to the relevant financial year.

Division 4—Membership of abattoir corporation**Composition of abattoir corporation**

142.(1) The abattoir corporation consists of the following members—

- (a) the chairperson;
- (b) the chief executive officer of the abattoir corporation;
- (c) not more than 2 persons with experience in the industry;
- (d) 1 person with expertise in industrial relations, marketing or business management;
- (e) 1 person with expertise in financial management or business administration.

(2) The chief executive officer is to be appointed on the nomination of the abattoir corporation.

(3) The chairperson, chief executive officer and other members of the abattoir corporation are to be appointed by the Governor in Council.

(4) The Governor in Council may appoint a person to act as a member of the abattoir corporation (other than the chief executive officer) during any period, or all periods, when the member is absent or unable for any reason to perform the duties of the office.

Chief executive officer

143.(1) The chief executive officer of the abattoir corporation holds office on the terms of appointment decided by the corporation.

(2) The chief executive officer may resign by signed notice to the chairperson of the abattoir corporation.

(3) The abattoir corporation may, at any time, terminate the appointment of the chief executive officer for any reason or none.

(4) The termination of the appointment of the chief executive officer under subsection (3) does not affect any rights to compensation to which the chief executive officer is entitled under the terms of the chief executive officer's appointment.

(5) The abattoir corporation may appoint a person to act as chief executive officer during—

- (a) any vacancy, or all vacancies, in the office; or
- (b) any period, or all periods, when the chief executive officer is absent from duty or is, for another reason, unable to perform the functions of the office.

Duration of appointment

146.(1) A member of the abattoir corporation (other than the chief executive officer) is to be appointed for a term of not longer than 3 years.

(2) The office of a member of the abattoir corporation becomes vacant if the member—

- (a) in the case of a member other than the chief executive officer—resigns by signed notice to the Minister; or
- (b) is absent from 3 consecutive meetings of the abattoir corporation without the corporation's leave and without reasonable excuse; or
- (c) is convicted of an indictable offence or an offence against this Act; or
- (d) becomes employed by, or a contractor of, the corporation; or
- (e) is removed from office by the Governor in Council under subsection (3) or (4).

(3) The Governor in Council may remove a member from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) uses the office for party political purposes; or
- (e) causes the abattoir corporation's funds or reputation to be used for party political purposes; or
- (f) does anything else that, in the Governor in Council's opinion, is a

reasonable and sufficient justification for removal from office.

(4) The Governor in Council may remove all or any members of the abattoir corporation from office if the abattoir corporation—

- (a) does not carry out a policy notified under section 139 (Reserve power of Minister to notify abattoir corporation of public sector policies) or comply with a direction given under section 140 (Reserve power of Minister to give directions in public interest); or
- (b) does not comply with its obligations under this Act or the *Financial Administration and Audit Act 1977* for the preparation and submission of reports and plans; or
- (c) uses its funds or reputation for party political purposes.

Fees and allowances etc.

147. The members of the abattoir corporation (other than the chief executive officer) are entitled to be paid by the corporation the fees and allowances decided by the Governor in Council.

Division 5—Plans and reports

Strategic plans

148.(1) The abattoir corporation must in each financial year submit to the Minister—

- (a) its updated 5 year strategic plan; and
- (b) its operational plan for the next financial year.

(2) The operational plan must include details of—

- (a) financial and other performance targets; and
- (b) proposed trading activities to be undertaken under section 136(2)(c).

(3) The abattoir corporation must not start to carry out new activities specified in a strategic plan or an operational plan without the Minister's approval of the plan.

Quarterly reports

149.(1) The abattoir corporation must give to the Minister a report on its operations for each of the first 3 quarters of a financial year.

(2) A quarterly report must be given to the Minister—

- (a) within 1 month after the end of the quarter; or
- (b) if another period after the end of the quarter is agreed between the abattoir corporation and the Minister—within the agreed period.

(3) A quarterly report must include information on the progress of the abattoir corporation in achieving financial and other performance targets included in its current operational plan.

Deletion of commercially sensitive matters from annual report

150.(1) If the abattoir corporation asks the Minister to delete from copies of an annual report of the corporation (and accompanying documents) that are to be made public a matter of a commercially sensitive nature, the Minister may delete the matter from the copies of the annual report (and accompanying documents) laid before the Legislative Assembly or otherwise made public.

(2) This section has effect despite anything in the *Financial Administration and Audit Act 1977*.

Division 6—Proceedings of abattoir corporation**Time and place of meetings**

151.(1) Meetings of the abattoir corporation are to be held at the times and places it decides.

(2) However, the abattoir corporation must meet at least once every 2 months.

(3) The chairperson—

- (a) may at any time call a meeting of the abattoir corporation; and
- (b) must call a meeting if asked by at least half the members.

Procedures governing conduct of proceedings

152.(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is absent, the member chosen by the members present is to preside.

(3) At a meeting of the abattoir corporation—

- (a) more than half the members form a quorum; and
- (b) a question is to be decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

(4) The abattoir corporation may conduct its proceedings (including its meetings) as it considers appropriate.

(5) The abattoir corporation may hold meetings, or permit members to take part in meetings, by telephone, closed-circuit television or another form of communication.

(6) A member who takes part in a meeting of the abattoir corporation under permission under subsection (5) is taken to be present at the meeting.

(7) If—

- (a) all members of the abattoir corporation agree, in writing, to a proposed resolution; and
- (b) notice of the proposed resolution was given under procedures approved by the corporation;

the resolution is a valid resolution of the corporation, even though it was not passed at a meeting of the corporation.

Disclosure of interests

153.(1) This section applies to a member of the abattoir corporation if—

- (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the corporation; and

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(b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the abattoir corporation.

(3) The disclosure must be recorded in the abattoir corporation's minutes and, unless the corporation otherwise decides, the member must not—

- (a) be present when the corporation considers the issue; or
- (b) take part in a decision of the corporation on the issue.

(4) Another member who has a direct or indirect financial interest in the issue must not—

- (a) be present when the abattoir corporation is considering its decision under subsection (3); or
- (b) take part in making the decision.

Minutes

154. The abattoir corporation must keep minutes of its proceedings.

*Division 7—Staff***Staff generally**

155.(1) The abattoir corporation may engage the employees it considers necessary to perform its functions.

(2) The terms of employment of the abattoir corporation's employees are to be decided by it.

(3) However, subsection (2) has effect subject to any relevant industrial award or agreement.

Secretary

- 156.(1)** The abattoir corporation must employ a secretary.
- (2)** However, the position may be held by the chief executive officer.

Division 8—Other matters about the abattoir corporation**Superannuation schemes**

- 157.(1)** The abattoir corporation may—
- (a) establish or amend superannuation schemes; or
 - (b) join in establishing or amending superannuation schemes; or
 - (c) take part in superannuation schemes.
- (2)** The auditor-general may audit the schemes.
- (3)** Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.²
- (4)** A person who, immediately before becoming an employee of the abattoir corporation, was a contributor to the State Service Superannuation Fund, or a member of the State Public Sector Superannuation Scheme, continues to be a contributor or member.
- (5)** If the abattoir corporation establishes, joins in establishing or takes part in a scheme mentioned in subsection (1), (the “**authority’s scheme**”), a person to whom subsection (4) applies may, under arrangements prescribed by regulation, stop being a contributor or member and become a member of the corporation’s scheme.

Seal

- 158.** Judicial notice must be taken of the imprint of the abattoir corporation’s seal appearing on a document and the document must be presumed to have been properly sealed unless the contrary is proved.

² *Financial Administration and Audit Act 1977*, part 6 (Audit of consolidated fund and public sector entities)

Committees

159.(1) The abattoir corporation may establish committees to assist or advise it.

(2) The abattoir corporation may decide—

- (a) the functions of a committee; and
- (b) the membership of a committee; and
- (c) how a committee is to operate.

(3) A member of a committee is entitled to be paid by the abattoir corporation the fees and allowances decided by the corporation.

Application of certain Acts

160.(1) The abattoir corporation is—

- (a) a unit of public administration under the *Criminal Justice Act 1989*; and
- (b) an agency under the *Equal Opportunity in Public Employment Act 1992*; and
- (c) a statutory body under the *Financial Administration and Audit Act 1977*; and
- (d) a public authority under the *Libraries and Archives Act 1988*; and
- (e) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the abattoir corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 137(3) and (4) of this Act.

Parliamentary Commissioner Act 1974 does not apply to certain decisions

161.(1) The *Parliamentary Commissioner Act 1974* does not apply to—

- (a) a decision about the abattoir corporation's commercial policy; or
- (b) the abattoir corporation in relation to its competitive commercial

activities.

(2) In this section—

“competitive commercial activity” means an activity carried on, on a commercial basis, in competition with a person, other than—

- (a) the Commonwealth or a State or a Territory; or
- (b) a State authority; or
- (c) a local government authority.

Public Service Act does not apply

162. The *Public Service Act 1996* does not apply to the abattoir corporation or its employees.

PART 7A—ADMINISTRATOR

Effect of part on pt 3

162A.(1) This part applies despite part 3.

(2) Also, this part changes the way part 3 operates.

(3) In particular, the Governor in Council can not appoint members of the authority under part 3 for a term commencing before the earlier of the following—

- (a) the day the appointment of an administrator under this part ends;
- (b) the day this part expires.

Appointment of administrator

162B.(1) The Governor in Council may appoint as administrator of the authority a person the Minister considers has appropriate qualifications and experience to be the administrator.

(2) The administrator is to be appointed for the term, and on the conditions approved by the Governor in Council.

(3) The term of the appointment must not be more than 2 years.

(4) The administrator—

- (a) holds office subject to the direction of the Minister; and
- (b) unless the administrator earlier stops holding office because of section 33(2) or (3)—stops holding office when the term of the appointment ends or, if an earlier day is specified by the chief executive by gazette notice as the day the purpose of the administration ends, the earlier day.

(5) The Minister must notify the administrator's appointment in the gazette as soon as practicable after the administrator is appointed.

Authority members stop holding office

162C.(1) On the appointment of an administrator under this part, the members of the authority go out of office.

(2) No compensation is payable to a member of the authority because of subsection (1).

Administrator is authority

162D.(1) For all purposes of this Act, the administrator is the authority.

(2) Subject to subsection (3), part 3, divisions 4 and 5 do not apply to the administrator.

(3) Sections 33(2) and (3), 34 and 38 apply to the administrator as if the administrator were a member of the authority.

Additional functions of administrator

162E.(1) The administrator has the following additional functions—

- (a) to implement a program of structural change to the authority's resources and functions;
- (b) to give the Minister a quarterly report on the authority's financial position, the functions of the authority, and anything else the Minister requires the administrator to include in the report;

- (c) to give the Minister a final report on the administration, including details of any directions given by the Minister to the administrator.

(2) The Minister must table a report under subsection (1)(c) in the Legislative Assembly.

Expiry

162F. This part expires 2 years after it commences.

PART 8—MISCELLANEOUS

Review of Act

163.(1) The Minister must review this Act to decide whether the provisions remain appropriate.

(2) The review is to be undertaken as soon as practicable after the end of the period of 5 years starting on the commencement of section 22 (Establishment).

(3) As soon as practicable, but within 1 year, after the end of the 5 year period, the Minister must cause a report of the outcome of the review to be laid before the Legislative Assembly.

Protection from liability

164.(1) In this section—

“**official**” means—

- (a) the chief meat officer; and
- (b) a meat safety officer; and
- (c) a person acting under the direction of the authority, the chief meat officer or a meat safety officer.

(2) An official does not incur civil liability for an act or omission done

honestly and without negligence under this Act.

(3) A liability that would, apart from this section, attach to an official attaches instead to the authority.

Offences are summary offences

165. An offence against this Act is a summary offence.

Regulations

166.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made with respect to—

- (a) any matter for which provision may be made by a standard; and
- (b) the fees payable under this Act; and
- (c) offences for contravention of a regulation and the maximum penalties, of not more than 40 penalty units, for the offences.

PART 9—EXPIRY

Expiry of Act

167. This Act expires on 1 January 2001.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 October 1999. Future amendments of the Meat Industry Act 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	6 January 1994
1A	to Act No. 57 of 1995	29 July 1996
1B	to Act No. 59 of 1996	11 July 1997
2	to Act No. 59 of 1996	2 October 1998
2A	to Act No. 50 of 1998	2 December 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Meat Industry Act 1993 No. 56

date of assent 25 October 1993

pts 3–10 (other than ss 31–32, 144–145) commenced 1 January 1994 (1993 SL No. 474)

remaining provisions commenced on date of assent

exp 1 January 2001 (see s 184)

as amended by—

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1–2, 9 sch 2

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Primary Industries Legislation Amendment Act (No. 2) 1996 No. 59 pts 1, 8

date of assent 5 December 1996

ss 1–2 commenced on date of assent

s 48 commenced 30 June 1997 (1997 SL No. 106)

s 57 commenced 5 December 1997 (automatic commencement under AIA s 15DA(2))

remaining provisions commenced 2 May 1997 (1997 SL No. 106)

Primary Industries Legislation Amendment Act 1998 No. 50 pts 1, 7

date of assent 27 November 1998

commenced on date of assent

Primary Industries Legislation Amendment Act 1999 No. 45 ss 1, 2(4) pt 7

date of assent 17 September 1999

commenced on date of assent (see s 2(4))

7 List of annotations**Objectives of Act**

s 3 amd 1996 No. 59 s 44

Definitions

s 4 def “chief meat officer” ins 1998 No. 50 s 26

def “Policy Council” om 1996 No. 59 s 45

PART 2—MINISTERIAL ADVISORY BODIES

pt hdg sub 1996 No. 59 s 46

Minister may establish advisory bodies

s 17 sub 1996 No. 59 s 46

Functions

s 18 om 1996 No. 59 s 46

Composition

s 19 om 1996 No. 59 s 46

Meetings

s 20 om 1996 No. 59 s 46

Committees

s 21 om 1996 No. 59 s 46

Functions

s 24 amd 1996 No. 59 s 47

Composition of authority

s 30 amd 1996 No. 59 s 48

Selection committee

s 31 om 1996 No. 59 s 49

Selection of members for appointment

s 32 om 1996 No. 59 s 49

Duration of appointment

s 33 amd 1996 No. 59 s 50

Time and place of meetings

s 35 amd 1996 No. 59 s 51

Procedures governing conduct of proceedings

s 36 amd 1996 No. 59 s 52

Chief executive officer and secretary

s 40 amd 1996 No. 59 s 53

Superannuation schemes

s 43 amd 1995 No. 36 s 9 sch 2

Application of certain Acts

s 46 amd 1996 No. 54 s 9 sch

Standard is subordinate legislation

s 71 sub 1998 No. 50 s 27

Hearing procedures

s 102 amd 1995 No. 57 s 4 sch 1

Appeal to District Court on questions of law only

s 104 amd 1998 No. 50 s 28

Restraining orders

s 109 amd 1998 No. 50 s 29

Evidence and procedure

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PART 7A—ADMINISTRATOR

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s 172 exp 1 July 1994 (see s 172(5))

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s 173 exp 1 July 1994 (see s 173(2))

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s 176 exp 1 July 1994 (see s 176(3))

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s 177 exp 1 January 1995 (see s 177(3))

Existing orders etc.

s 178 exp 1 January 1994 (see s 178(2))

Existing regulations

s 179 exp 1 January 1995 (see s 179(3))

Duty to assist transfer of property etc.

s 180 exp 1 January 1995 (see s 180(3))

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Repeals

s 182 om R1 (see RA s 40)

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s 183 om R1 (see RA s 40)

PART 10—EXPIRY

pt hdg amd R1 (see RA s 39)
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s 184 om 1998 No. 50 s 31

SCHEDULE 1—REPEAL OF ACTS

om R1 (see RA s 40)

SCHEDULE 2—AMENDMENT OF STOCK ACT 1915

om R1 (see RA s 40)