

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

MEAT INSPECTION BILL 1983

TABLE OF PROVISIONS

PART I—PRELIMINARY

Clause	
1.	Short title
2.	Commencement
3.	Interpretation
4.	Object and application of Act
5.	Act to bind Crown
6.	Modification of provisions of Act
7.	Saving of other laws

PART II—THE INSPECTION OF MEAT

Division 1—Abattoirs and Meat Processing Plants

8.	Slaughter and destruction of abattoir animals at abattoirs
9.	Animals other than abattoir animals not to be slaughtered at abattoirs
10.	Bringing of meat into abattoirs, & c.
11.	Processing of meat at meat processing plants
12.	Bringing of meat into meat processing plants, & c.
13.	Dealing with condemned and rejected animals and meat

Division 2—Knackeries and Animal Food Processing Plants

14.	Slaughter and destruction of knackery animals at knackeries
15.	Animals other than knackery animals not to be slaughtered at knackeries
16.	Bringing of meat into knackeries, & c.
17.	Processing of meat at animal food processing plants
18.	Bringing of meat into animal food processing plants, & c.

TABLE OF PROVISIONS—*continued*

Clause	
19.	Dealing with condemned and rejected animals and meat
	<i>Division 3—General</i>
20.	Regulations with respect to inspection of meat
	PART III—TRANSPORT OF MEAT TO AND FROM CERTAIN STATES AND TERRITORIES
21.	Taking meat out of State or Territory to which Act extends, &c.
22.	Inspection of meat brought into State or Territory to which Act extends
	PART IV—OFFICIAL MARKS AND TRADE DESCRIPTIONS
23.	Contravention of regulations relating to official marks
24.	False trade descriptions
	PART V—ADDITIONAL POWERS OF AUTHORIZED OFFICERS
25.	Powers of authorized officers to ascertain compliance with Act
26.	Seizure
27.	Obstructing authorized officers
28.	Persons to assist authorized officers
	PART VI—MISCELLANEOUS
29.	Indictable offences
30.	Forfeiture of meat
31.	Delegation
32.	Authorized officers
33.	Identity cards
34.	Protection of authorized officers and other persons
35.	Supply of meat to authorized officers
36.	Regulations
37.	Orders

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 8 September 1983

(Minister for Primary Industry)

A BILL

FOR

An Act relating to the inspection by the Commonwealth of meat that is intended for human consumption or for use as animal food

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Meat Inspection Act 1983*.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

Interpretation

- 10 3. (1) In this Act, unless the contrary intention appears—
“abattoir” means premises—
 (a) used, or intended to be used, for the slaughter of abattoir
 animals for meat that is intended for human consumption; and

- (b) prescribed, or included in a class of premises prescribed, for the purposes of this definition;
- “abattoir animal” means—
- (a) a bovine animal;
 - (b) a sheep, pig, goat or deer; or 5
 - (c) an animal included in a class of animals prescribed for the purposes of this definition;
- “animal food processing plant” means premises—
- (a) used, or intended to be used, for—
 - (i) the processing or packing of meat that is intended for use as animal food; 10
 - (ii) the production or packing of processed meat that is intended for use as animal food; or
 - (iii) other activities or operations prescribed, or included in a class of activities or operations prescribed, for the purposes of this definition; and 15
 - (b) prescribed, or included in a class of premises prescribed, for the purposes of this definition;
- “apply”, in relation to an official mark or trade description, includes write, print, stencil, mark, emboss, impress or attach; 20
- “authorized officer” means—
- (a) an officer of the Department; or
 - (b) a person appointed under section 32 to be an authorized officer;
- “covering” includes any stopper, glass, bottle, vessel, box, container, capsule, case, frame or wrapper; 25
- “document” includes any written or printed matter, any map, plan or photograph, and any article or thing that has been so treated in relation to any sounds or visual images that those sounds or visual images are capable, with or without the aid of some other device, of being reproduced from the article or thing, and includes a copy of any such matter, map, plan, photograph, article or thing; 30
- “examine” includes count, measure, weigh, grade or gauge;
- “false trade description” means a trade description that, by reason of anything contained in or omitted from the trade description, is false or likely to mislead in a material respect as regards the meat to which it relates, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, that makes the trade description false or likely to mislead in such a respect; 35
- “knackery” means premises—
- (a) used, or intended to be used, for the slaughter of knackery animals for meat that is intended for use as animal food; and 40
 - (b) prescribed, or included in a class of premises prescribed, for the purposes of this definition;

“knackery animal” means—

- (a) a bovine animal;
- (b) a sheep, pig, goat or deer;
- (c) an equine animal; or
- 5 (d) an animal included in a class of animals prescribed for the purposes of this definition;

“label” includes any tag, band, ticket, brand or pictorial, or other descriptive, matter;

“mark” includes any stamp, seal or label;

10 “meat” includes processed meat;

“meat processing plant” means premises—

- (a) used, or intended to be used, for—
 - (i) the processing or packing of meat that is intended for human consumption;
 - 15 (ii) the production or packing of processed meat that is intended for human consumption; or
 - (iii) other activities or operations prescribed, or included in a class of activities or operations prescribed, for the purposes of this definition; and
- 20 (b) prescribed, or included in a class of premises prescribed, for the purposes of this definition;

“offence against this Act” includes—

- (a) an offence against section 6, 7 or 7A of the *Crimes Act 1914* in relation to an offence against this Act; or
- 25 (b) an offence against sub-section 86 (1) of the *Crimes Act 1914* by virtue of paragraph (a) of that sub-section, being an offence in relation to an offence against this Act;

“official mark” means a mark included in a class of marks prescribed for the purposes of this definition;

30 “official marking device” means a device prescribed, or included in a class of devices prescribed, for the purposes of this definition;

“order” means an order made under the regulations;

35 “owner”, in relation to prescribed premises, means a person who holds in relation to the premises a licence included in a class of licences prescribed for the purposes of this definition;

“premises” includes—

- (a) any part of a building or structure; and
- (b) an area of land;

“prescribed” includes prescribed by an order;

40 “prescribed premises” means an abattoir, knackery, meat processing plant or animal food processing plant;

“processed meat” means—

- (a) any substance that contains meat, not being a substance prescribed, or included in a class of substances prescribed, for the purposes of this paragraph; or
- (b) any substance (not being a substance that contains meat) that has been produced, in whole or in part, from meat, being a substance prescribed, or included in a class of substances prescribed, for the purposes of this paragraph;

“Secretary” means the Secretary to the Department;

“Territory” includes an external Territory;

“the regulations” includes orders made under the regulations;

“this Act” includes the regulations;

“trade description”, in relation to meat, means any description or statement (whether in English or any other language), or pictorial representation, indication or suggestion, direct or indirect, as to—

- (a) whether or not the meat has been inspected under this Act; or
- (b) in the case of meat that has been inspected under this Act—any other matter relating to the meat that, under the regulations, is to be taken to have been determined under this Act in relation to the meat,

and includes any mark that, according to the custom of the trade or common repute, is commonly taken to be an indication of such a matter.

(2) Regulations made for the purposes of any definition in sub-section (1) may be expressed not to apply, or to apply with specified modifications, in relation to a specified State or Territory.

(3) A reference in this Act (other than in sub-section (1)) to the processing of meat—

(a) in relation to a meat processing plant, means—

- (i) the processing or packing of meat that is intended for human consumption;
- (ii) the production or packing of processed meat that is intended for human consumption; or
- (iii) other activities or operations prescribed, or included in a class of activities or operations prescribed, for the purposes of the definition of “meat processing plant” in sub-section (1); and

(b) in relation to an animal food processing plant, means—

- (i) the processing or packing of meat that is intended for use as animal food;
- (ii) the production or packing of processed meat that is intended for use as animal food; or

- (iii) other activities or operations prescribed, or included in a class of activities or operations prescribed, for the purposes of the definition of “animal food processing plant” in sub-section (1).

Object and application of Act

5 **4. (1)** The object of this Act is to make provision with respect to the inspection of meat that is intended for human consumption or for use as animal food, and this Act shall be construed accordingly.

(2) Subject to sub-section (6), this Act extends to—

- (a) New South Wales;
- 10 (b) any other State in relation to which a Proclamation under sub-section (3) is in force; and
- (c) any Territory in relation to which a Proclamation under sub-section (4) is in force.

(3) Where—

- 15 (a) the Parliament of a State (other than New South Wales) refers to the Parliament of the Commonwealth the matter of the inspection of meat that is intended for human consumption or for use as animal food; or
 - (b) a State (other than New South Wales) adopts this Act,
- the Governor-General may, by Proclamation, declare that this Act extends to the State.

(4) The Governor-General may, by Proclamation, declare that this Act extends to a Territory.

(5) A Proclamation under sub-section (3) or (4) may be expressed to come into operation on a date fixed by the Proclamation.

25 (6) This Act extends to New South Wales only for so long as there is in force—

- (a) an Act of the Parliament of the State by which there is referred to the Parliament of the Commonwealth the matter referred to in paragraph (3) (a); or
- 30 (b) a law of the State adopting this Act.

(7) A Proclamation under sub-section (3) in relation to a State remains in force only for so long as there is in force—

- 35 (a) an Act of the Parliament of the State by which there is referred to the Parliament of the Commonwealth the matter referred to in paragraph (3) (a); or
- (b) a law of the State adopting this Act.

Act to bind Crown

40 **5.** This Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island, but nothing in this Act renders the Crown liable to be prosecuted for an offence.

Modification of provisions of Act

6. (1) The regulations may provide that a specified provision of this Act does not apply, or applies with specified modifications, in relation to a specified State (other than New South Wales) or a specified Territory.

(2) In sub-section (1), “the regulations” does not include orders made under the regulations. 5

Saving of other laws

7. (1) This Act is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory insofar as that law is capable of operating concurrently with this Act. 10

(2) Where an act or omission by a person constitutes an offence against a law of a State or Territory and also constitutes an offence against this Act, the person may be prosecuted and convicted either under that law of the State or Territory or under this Act, but nothing in this sub-section renders a person liable to be punished more than once in respect of the same act or omission. 15

PART II—THE INSPECTION OF MEAT***Division 1—Abattoirs and Meat Processing Plants*****Slaughter and destruction of abattoir animals at abattoirs**

8. (1) Without limiting the generality of sub-section 20 (1), the regulations may— 20

- (a) prohibit absolutely the slaughter or destruction at an abattoir of abattoir animals included in a specified class of abattoir animals; or
- (b) prohibit the slaughter or destruction at an abattoir of abattoir animals, or abattoir animals included in a specified class of abattoir animals, unless specified conditions or restrictions are complied with. 25

(2) Where under the regulations the slaughter or destruction at an abattoir of abattoir animals included in a specified class of abattoir animals is prohibited absolutely, a person who slaughters or destroys, as the case may be, at an abattoir an abattoir animal included in the specified class of abattoir animals is guilty of an offence. 30

(3) Where under the regulations the slaughter or destruction at an abattoir of abattoir animals, or abattoir animals included in a specified class of abattoir animals, is prohibited unless specified conditions or restrictions are complied with, a person who slaughters or destroys, as the case may be, at an abattoir an abattoir animal or an abattoir animal included in the specified class of abattoir animals, as the case may be, in contravention of the conditions or restrictions is guilty of an offence. 35

Animals other than abattoir animals not to be slaughtered at abattoirs

9. A person shall not slaughter an animal that is not an abattoir animal at an abattoir. 40

Bringing of meat into abattoirs, &c.

10. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- 5 (a) prohibit absolutely the bringing of meat, or meat included in a specified class of meat, into an abattoir;
- (b) prohibit absolutely the removal of meat included in a specified class of meat from an abattoir;
- 10 (c) prohibit the bringing of meat, or meat included in a specified class of meat, into an abattoir unless specified conditions or restrictions are complied with; or
- (d) prohibit the removal of meat, or meat included in a specified class of meat, from an abattoir unless specified conditions or restrictions are complied with.

15 (2) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into an abattoir is prohibited absolutely, a person who brings meat or meat included in the specified class of meat, as the case may be, into an abattoir is guilty of an offence.

20 (3) Where under the regulations the removal of meat included in a specified class of meat from an abattoir is prohibited absolutely, a person who removes meat included in the specified class of meat from an abattoir is guilty of an offence.

25 (4) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into an abattoir is prohibited unless specified conditions or restrictions are complied with, a person who brings meat or meat included in the specified class of meat, as the case may be, into an abattoir in contravention of the conditions or restrictions is guilty of an offence.

30 (5) Where under the regulations the removal of meat, or meat included in a specified class of meat, from an abattoir is prohibited unless specified conditions or restrictions are complied with, a person who removes meat or meat included in the specified class of meat, as the case may be, from an abattoir in contravention of the conditions or restrictions is guilty of an offence.

Processing of meat at meat processing plants

11. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- 35 (a) prohibit absolutely the processing at a meat processing plant of meat included in a specified class of meat; or
- (b) prohibit the processing at a meat processing plant of meat, or meat included in a specified class of meat, unless specified conditions or restrictions are complied with.

40 (2) Where under the regulations the processing at a meat processing plant of meat included in a specified class of meat is prohibited absolutely, a person who processes at a meat processing plant meat included in the specified class of meat is guilty of an offence.

(3) Where under the regulations the processing at a meat processing plant of meat, or meat included in a specified class of meat, is prohibited unless specified conditions or restrictions are complied with, a person who processes at a meat processing plant meat or meat included in the specified class of meat, as the case may be, in contravention of the conditions or restrictions is guilty of an offence. 5

Bringing of meat into meat processing plants, &c.

12. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- (a) prohibit absolutely the bringing of meat included in a specified class of meat into a meat processing plant; 10
- (b) prohibit absolutely the removal of meat included in a specified class of meat from a meat processing plant;
- (c) prohibit the bringing of meat, or meat included in a specified class of meat, into a meat processing plant unless specified conditions or restrictions are complied with; or 15
- (d) prohibit the removal of meat, or meat included in a specified class of meat, from a meat processing plant unless specified conditions or restrictions are complied with.

(2) Where under the regulations the bringing of meat included in a specified class of meat into a meat processing plant is prohibited absolutely, a person who brings meat included in the specified class of meat into a meat processing plant is guilty of an offence. 20

(3) Where under the regulations the removal of meat included in a specified class of meat from a meat processing plant is prohibited absolutely, a person who removes meat included in the specified class of meat from a meat processing plant is guilty of an offence. 25

(4) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into a meat processing plant is prohibited unless specified conditions or restrictions are complied with, a person who brings meat or meat included in the specified class of meat, as the case may be, into a meat processing plant in contravention of the conditions or restrictions is guilty of an offence. 30

(5) Where under the regulations the removal of meat, or meat included in a specified class of meat, from a meat processing plant is prohibited unless specified conditions or restrictions are complied with, a person who removes meat or meat included in the specified class of meat, as the case may be, from a meat processing plant in contravention of the conditions or restrictions is guilty of an offence. 35

Dealing with condemned and rejected animals and meat 40

13. (1) A person shall not deal with—

- (a) an animal that has, under the regulations, been condemned as unfit for meat for human consumption or rejected by reason of an authorized

officer having refused to classify the animal as fit for meat for human consumption; or

- (b) meat that has, under the regulations, been condemned as unfit for human consumption or rejected by reason of an authorized officer having refused to classify the meat as fit for human consumption,

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otherwise than in accordance with regulations.

- (2) A person who contravenes sub-section (1) is guilty of an offence.

Division 2—Knackeries and Animal Food Processing Plants

Slaughter and destruction of knackery animals at knackeries

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14. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- (a) prohibit absolutely the slaughter or destruction at a knackery of knackery animals included in a specified class of knackery animals; or
- (b) prohibit the slaughter or destruction at a knackery of knackery animals, or knackery animals included in a specified class of knackery animals, unless specified conditions or restrictions are complied with.

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(2) Where under the regulations the slaughter or destruction at a knackery of knackery animals included in a specified class of knackery animals is prohibited absolutely, a person who slaughters or destroys, as the case may be, at a knackery a knackery animal included in the specified class of knackery animals is guilty of an offence.

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(3) Where under the regulations the slaughter or destruction at a knackery of knackery animals, or knackery animals included in a specified class of knackery animals, is prohibited unless specified conditions or restrictions are complied with, a person who slaughters or destroys, as the case may be, at a knackery a knackery animal or a knackery animal included in the specified class of knackery animals, as the case may be, in contravention of the conditions or restrictions is guilty of an offence.

Animals other than knackery animals not to be slaughtered at knackeries

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15. A person shall not slaughter an animal that is not a knackery animal at a knackery.

Bringing of meat into knackeries, &c.

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16. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- (a) prohibit absolutely the bringing of meat, or meat included in a specified class of meat, into a knackery;
- (b) prohibit absolutely the removal of meat included in a specified class of meat from a knackery;
- (c) prohibit the bringing of meat, or meat included in a specified class of meat, into a knackery unless specified conditions or restrictions are complied with; or

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- (d) prohibit the removal of meat, or meat included in a specified class of meat, from a knackery unless specified conditions or restrictions are complied with.

(2) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into a knackery is prohibited absolutely, a person who brings meat or meat included in the specified class of meat, as the case may be, into a knackery is guilty of an offence. 5

(3) Where under the regulations the removal of meat included in a specified class of meat from a knackery is prohibited absolutely, a person who removes meat included in the specified class of meat from a knackery is guilty of an offence. 10

(4) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into a knackery is prohibited unless specified conditions or restrictions are complied with, a person who brings meat or meat included in the specified class of meat, as the case may be, into a knackery in contravention of the conditions or restrictions is guilty of an offence. 15

(5) Where under the regulations the removal of meat, or meat included in a specified class of meat, from a knackery is prohibited unless specified conditions or restrictions are complied with, a person who removes meat or meat included in the specified class of meat, as the case may be, from a knackery in contravention of the conditions or restrictions is guilty of an offence. 20

Processing of meat at animal food processing plants

17. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- (a) prohibit absolutely the processing at an animal food processing plant of meat included in a specified class of meat; or 25
- (b) prohibit the processing at an animal food processing plant of meat, or meat included in a specified class of meat, unless specified conditions or restrictions are complied with.

(2) Where under the regulations the processing at an animal food processing plant of meat included in a specified class of meat is prohibited absolutely, a person who processes at an animal food processing plant meat included in the specified class of meat is guilty of an offence. 30

(3) Where under the regulations the processing at an animal food processing plant of meat, or meat included in a specified class of meat, is prohibited unless specified conditions or restrictions are complied with, a person who processes at an animal food processing plant meat or meat included in the specified class of meat, as the case may be, in contravention of the conditions or restrictions is guilty of an offence. 35

Bringing of meat into animal food processing plants, &c.

18. (1) Without limiting the generality of sub-section 20 (1), the regulations may—

- 5 (a) prohibit absolutely the bringing of meat included in a specified class of meat into an animal food processing plant;
- (b) prohibit absolutely the removal of meat included in a specified class of meat from an animal food processing plant;
- 10 (c) prohibit the bringing of meat, or meat included in a specified class of meat, into an animal food processing plant unless specified conditions or restrictions are complied with; or
- (d) prohibit the removal of meat, or meat included in a specified class of meat, from an animal food processing plant unless specified conditions or restrictions are complied with.

15 (2) Where under the regulations the bringing of meat included in a specified class of meat into an animal food processing plant is prohibited absolutely, a person who brings meat included in the specified class of meat into an animal food processing plant is guilty of an offence.

20 (3) Where under the regulations the removal of meat included in a specified class of meat from an animal food processing plant is prohibited absolutely, a person who removes meat included in the specified class of meat from an animal food processing plant is guilty of an offence.

25 (4) Where under the regulations the bringing of meat, or meat included in a specified class of meat, into an animal food processing plant is prohibited unless specified conditions or restrictions are complied with, a person who brings meat or meat included in the specified class of meat, as the case may be, into an animal food processing plant in contravention of the conditions or restrictions is guilty of an offence.

30 (5) Where under the regulations the removal of meat, or meat included in a specified class of meat, from an animal food processing plant is prohibited unless specified conditions or restrictions are complied with, a person who removes meat or meat included in the specified class of meat, as the case may be, from an animal food processing plant in contravention of the conditions or restrictions is guilty of an offence.

Dealing with condemned and rejected animals and meat

35 19. (1) A person shall not deal with—

- (a) an animal that has, under the regulations, been condemned as unfit for meat for use as animal food or rejected by reason of an authorized officer having refused to classify the animal as fit for meat for use as animal food; or
- 40 (b) meat that has, under the regulations, been condemned as unfit for use as animal food or rejected by reason of an authorized officer having refused to classify the meat as fit for use as animal food,
otherwise than in accordance with the regulations.

- (2) A person who contravenes sub-section (1) is guilty of an offence.

Division 3—General

Regulations with respect to inspection of meat

20. (1) The regulations may make provision with respect to the inspection of meat that is intended for human consumption or for use as animal food. 5

(2) Without limiting the generality of sub-section (1), the regulations may make provision for or in relation to—

- (a) the analysis of samples taken in accordance with this Act, including the circumstances in which a certificate of analysis is to be *prima facie* evidence of the facts stated in the certificate in proceedings in respect of an offence against this Act; 10
- (b) the imposition of fees in connection with the performance of services by authorized officers;
- (c) requiring persons to keep records and furnish returns;
- (d) prescribing penalties not exceeding \$1,000 for a contravention of, or failure to comply with, a provision of the regulations or a direction or instruction issued or given under the regulations; and 15
- (e) the manner in which directions and instructions may be issued or given under the regulations.

(3) The regulations may make different provision with respect to different States and Territories. 20

PART III—TRANSPORT OF MEAT TO AND FROM CERTAIN STATES AND TERRITORIES

Taking meat out of State or Territory to which Act extends, &c.

21. (1) A person shall not, in trade or commerce— 25

- (a) take meat that is intended for human consumption from a State or Territory to which this Act extends to another State or Territory (whether or not the other State or Territory is a State or Territory to which this Act extends); or
- (b) bring meat that is intended for human consumption into a State or Territory to which this Act extends, 30

unless the meat is, under the regulations, fit for human consumption.

(2) A person shall not, in trade or commerce—

- (a) take meat that is intended for use as animal food from a State or Territory to which this Act extends to another State or Territory (whether or not the other State or Territory is a State or Territory to which this Act extends); or 35

(b) bring meat that is intended for use as animal food into a State or Territory to which this Act extends, unless the meat is, under the regulations, fit for use as animal food.

(3) A person who contravenes sub-section (1) or (2) is guilty of an offence.

5 **Inspection of meat brought into State or Territory to which Act extends**

10 **22. (1)** Subject to the regulations, where, in trade or commerce, a person brings meat included in a class of meat prescribed for the purposes of this sub-section, being meat that is intended for human consumption, into a State or Territory to which this Act extends, he shall forthwith take the meat, together with any covering in which the meat is contained, to an abattoir or meat processing plant, being an abattoir or meat processing plant prescribed for the purposes of this sub-section, for inspection by an authorized officer.

15 **(2)** Subject to the regulations, where, in trade or commerce, a person brings meat included in a class of meat prescribed for the purposes of this sub-section, being meat that is intended for use as animal food, into a State or Territory to which this Act extends, he shall forthwith take the meat, together with any covering in which the meat is contained, to a knackery or animal food processing plant, being a knackery or animal food processing plant prescribed for the purposes of this sub-section, for inspection by an authorized officer.

20 **(3)** A person who contravenes sub-section (1) or (2) is guilty of an offence.

PART IV—OFFICIAL MARKS AND TRADE DESCRIPTIONS

Contravention of regulations relating to official marks

25 **23. (1)** A person shall not, in contravention of the regulations—
(a) manufacture, have in his possession, apply, alter or interfere with an official mark;
(b) manufacture, have in his possession or apply a mark resembling, or apparently intended to resemble or pass for, an official mark; or
(c) manufacture or have in his possession an official marking device.
(2) A person who contravenes sub-section (1) is guilty of an offence.

30 **False trade descriptions**

24. (1) A person shall not apply a false trade description to meat.
(2) For the purposes of sub-section (1), a false trade description shall be deemed to be applied to meat if—
(a) it is applied to the meat;
35 (b) it is applied to a covering, label, reel or thing used in connection with the meat; or
(c) it is applied to a document relating to the meat or used in any other manner likely to lead to the belief that it describes or designates the meat.

(3) A person who contravenes sub-section (1) is guilty of an offence.

PART V—ADDITIONAL POWERS OF AUTHORIZED OFFICERS

Powers of authorized officers to ascertain compliance with Act

25. (1) The function of an authorized officer under this section is to ascertain whether the provisions of this Act have been complied with. 5

(2) A reference in sub-section (1) to ascertaining whether the provisions of this Act have been complied with includes a reference to ascertaining whether an offence against this Act has been committed.

(3) For the purposes of performing the function of an authorized officer under this section or exercising a power of an authorized officer under section 26, an authorized officer may, with such assistance as he thinks necessary— 10

- (a) enter prescribed premises;
- (b) with the consent of the occupier or in pursuance of a warrant granted under sub-section (6), enter any other premises;
- (c) board or enter any vehicle, ship or aircraft; 15
- (d) stop and detain any vehicle, ship or aircraft;
- (e) search any premises, vehicle, ship or aircraft;
- (f) break open any hold or compartment or any container or other receptacle (including any place that could be used as a receptacle);
- (g) inspect or examine any premises, vehicle, ship, aircraft, matter or thing; 20
- (h) secure any premises, vehicle, ship, aircraft, matter or thing;
- (j) take samples of any matter or thing (including parts of premises, vehicles, ships or aircraft); or
- (k) take extracts from, or make copies of, any document. 25

(4) Samples of any matter or thing taken in accordance with sub-section (3) shall be dealt with as prescribed.

(5) An authorized officer may make application to a Justice of the Peace for a warrant authorizing the authorized officer to enter premises that are not prescribed premises. 30

(6) If, on an application under sub-section (5), the Justice of the Peace is satisfied, by information on oath or affirmation, that it is reasonably necessary that the authorized officer should, for the purpose of exercising the powers of an authorized officer under this section or section 26, have access to premises to which the application relates, the Justice of the Peace may grant a warrant authorizing the authorized officer, with such assistance as he thinks necessary, to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the powers of an authorized officer under this section or section 26. 35 40

(7) A warrant under sub-section (6) shall specify a date after which the warrant ceases to have effect.

5 (8) Where an authorized officer proposes to search or detain a vehicle, ship or aircraft, he shall, if there is a person in charge of the vehicle, ship or aircraft, produce his identity card for inspection by the person and, if he fails to do so, he is not authorized to search or detain the vehicle, ship or aircraft.

Seizure

26. (1) An authorized officer may seize—

10 (a) any meat that he believes on reasonable grounds is meat in respect of which an offence against this Act has been committed; and

(b) any matter or thing that he believes on reasonable grounds will afford evidence of the commission of an offence against this Act,

15 and may retain the meat, or the matter or thing, until the expiration of a period of 60 days after the seizure or, if proceedings for such an offence in respect of the meat, or in respect of which the matter or thing may afford evidence, are instituted within that period, until the proceedings (including any appeal to a court in relation to those proceedings) are terminated.

(2) The power under sub-section (1) to seize meat includes a power to seize any covering in which the meat is contained.

20 (3) The Secretary may authorize any meat, or any matter or thing, seized under sub-section (1) to be released to the owner, or to the person from whose possession the meat, matter or thing was seized, either unconditionally or on such conditions as the Secretary thinks fit, including, in the case of meat, conditions as to the giving of security for payment of the value of the meat if it is
25 forfeited under section 30.

Obstructing authorized officers

27. A person shall not, without reasonable excuse, obstruct or hinder an authorized officer in the exercise of his powers, or the performance of his functions, under this Act.

30 Penalty: \$1,000 or imprisonment for 6 months, or both.

Persons to assist authorized officers

35 28. (1) Subject to sub-section (2), the owner, or person in charge, of any vehicle, ship or aircraft boarded or entered by an authorized officer, and the owner or occupier of any premises entered by an authorized officer, under section 25 shall, if requested by an authorized officer to do so, provide reasonable assistance to the authorized officer for the purpose of the exercise of his powers under that section or section 26 in relation to that vehicle, ship or aircraft or those premises.

Penalty: \$1,000 or imprisonment for 6 months, or both.

40 (2) Where an authorized officer makes a request of a person under sub-section (1), the authorized officer shall produce his identity card for

inspection by the person and, if the authorized officer fails to do so, the person is not obliged to comply with the request.

PART VI—MISCELLANEOUS

Indictable offences

29. (1) An offence against sub-section 8 (2) or (3), section 9, sub-section 10 (2), (3), (4) or (5), 11 (2) or (3) or 12 (2), (3), (4) or (5), section 13, sub-section 14 (2) or (3), section 15, sub-section 16 (2), (3), (4) or (5), 17 (2) or (3) or 18 (2), (3), (4) or (5) or section 19, 21, 22, 23 or 24 is an indictable offence and, subject to this section, is punishable on conviction—

- (a) if the person is a natural person—by a fine not exceeding \$10,000; or 10
- (b) if the person is a body corporate—by a fine not exceeding \$50,000.

(2) Notwithstanding that an offence referred to in sub-section (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent. 15

(3) Subject to sub-section (4), where, in accordance with sub-section (2), a person is convicted before a court of summary jurisdiction of an offence referred to in sub-section (1), the penalty that the court may impose is—

- (a) if the person is a natural person—a fine not exceeding \$2,000; or
- (b) if the person is a body corporate—a fine not exceeding \$10,000. 20

(4) Where—

- (a) a person is convicted of an offence referred to in sub-section (1) (in this sub-section referred to as the “relevant offence”); and
- (b) the court before which the person is convicted (in this sub-section referred to as the “sentencing court”) is satisfied that, on a previous occasion, a court has— 25
 - (i) convicted the person of another offence, being an offence referred to in sub-section (1); or
 - (ii) made an order under section 19B of the *Crimes Act 1914* in relation to the person in respect of another offence, being an offence referred to in sub-section (1), 30

the penalty that the sentencing court may impose in respect of the relevant offence is—

- (c) if the sentencing court is not a court of summary jurisdiction and the person is a natural person—a fine not exceeding \$20,000 or imprisonment for a period not exceeding 5 years, or both; 35
- (d) if the sentencing court is not a court of summary jurisdiction and the person is a body corporate—a fine not exceeding \$100,000;
- (e) if the sentencing court is a court of summary jurisdiction and the person is a natural person—a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both; or 40

- (f) if the sentencing court is a court of summary jurisdiction and the person is a body corporate—a fine not exceeding \$25,000.

Forfeiture of meat

5 **30. (1)** Where a court convicts a person of an offence against this Act in respect of any meat, the court may order the forfeiture to the Commonwealth of the meat.

(2) The forfeiture of any meat under sub-section (1) extends to the forfeiture of any covering in which the meat is contained.

10 **(3)** Meat forfeited under this section may be sold, or otherwise disposed of, as the Secretary directs by writing signed by him.

Delegation

15 **31. (1)** The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an authorized officer all or any of his powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Secretary.

(3) A delegation under this section does not prevent the exercise of a power by the Secretary.

20 **Authorized officers**

32. The Secretary may, by writing signed by him, appoint a person, or persons included in a class of persons, to be an authorized officer or authorized officers, as the case may be, for the purpose of the exercise by that person or those persons of the powers of an authorized officer under this Act.

25 **Identity cards**

33. (1) The Secretary may cause to be issued to an authorized officer an identity card in a form approved by the Secretary by writing signed by him.

30 **(2)** Where a person in possession of an identity card issued to him under sub-section (1) ceases to be an authorized officer, he shall forthwith return the identity card to the Secretary or a person nominated by the Secretary by writing signed by him and, if the person fails to do so, he is guilty of an offence punishable on conviction by a fine not exceeding \$100.

35 **(3)** Where a person is an authorized officer under this Act and the *Export Control Act 1982*, an identity card issued to him under sub-section 21 (1) of the last-mentioned Act has effect, for the purposes of this Act (other than sub-section (2) of this section), as if it were an identity card issued to him under sub-section (1) of this section.

Protection of authorized officers and other persons

40 **34. (1)** An authorized officer is not liable to any action, suit or proceeding for or in relation to an act done or omitted to be done in good faith in the

exercise or purported exercise of any power or authority conferred on him by this Act.

(2) A person who is requested by an authorized officer, whether under section 28 or otherwise, to provide assistance to the authorized officer in the exercise or purported exercise of any power or authority conferred on him by this Act is not liable to any action, suit or proceeding for or in relation to an act done or omitted to be done in good faith in the provision or purported provision of the assistance. 5

Supply of meat to authorized officers

35. (1) Except as approved by the Secretary by writing signed by him, the owner of prescribed premises, or an employee or agent of such a person, shall not supply meat to a person whom he knows is an authorized officer. 10

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) An offence against sub-section (1) is punishable on summary conviction. 15

Regulations

36. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act. 20

(2) The regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, a provision of—

- (a) an Act of a State or Territory; 25
- (b) an Ordinance of a Territory;
- (c) a regulation or rule made under such an Act or Ordinance;
- (d) an order made under regulations made under the *Export Control Act 1982*; or
- (e) an order made under regulations made under this Act, 30

as in force at a particular time or as in force from time to time.

(3) A power conferred by this Act to make modifications by regulation includes the power to omit any matter or add any new matter.

Orders

37. (1) Subject to sub-section (2), the regulations may make provision for or in relation to empowering the Minister to make orders, not inconsistent with this Act, with respect to any matter for or in relation to which provision may be made by the regulations. 35

(2) An order shall not be made prescribing any penalty.

(3) Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply to orders as if, in those sections, references to regulations were references to orders and references to an Act were references to regulations.

5 (4) An order may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification—

(a) a provision of—

(i) an Act of the Commonwealth or of a State or Territory;

(ii) an Ordinance of a Territory;

(iii) a regulation or rule made under such an Act or Ordinance;

10 (iv) an order made under regulations made under the *Export Control Act 1982*; or

(v) any other order made under regulations made under this Act, as in force at a particular time or as in force from time to time; or

15 (b) any matter contained in any other instrument or writing as in force or existing at the time when the order takes effect,

but an order shall not, except as provided by this sub-section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

20 (5) An order shall be deemed not to be a statutory rule within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to an order in like manner as they apply in relation to a statutory rule.

25 (6) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (5), the reference in that first-mentioned sub-section to the Minister of State for Administrative Services shall be read as a reference to the Minister of State for Primary Industry.

30 (7) An order shall be deemed to be an enactment for the purposes of the *Administrative Appeals Tribunal Act 1975*.

