



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 9 of 1969

An Act to regulate and control the processing of
poultry intended for sale.

[Assented to 27th February, 1969.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

PART I.

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Poultry Processing Act,
1969".

Commence- **2.** This Act shall come into operation on a day to be fixed
ment. by proclamation.

Arrangement **3.** This Act is arranged as follows :—
of Act.

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ADMINISTRATION, ss. 6-11—

DIVISION 1.—INSPECTION, ss. 6-8 :

DIVISION 2.—REGISTRATION, ss. 9-11.

PART III.—PROCESSING, ss. 12-16.

PART IV.—MISCELLANEOUS, ss. 17-20.

4. In this Act, unless the contrary intention appears—

“base weight” in relation to a carcass, means the weight of the carcass as determined immediately before it comes into contact with water in the course of processing :

“carcass” means the eviscerated carcass of any poultry :

“court” means a court of summary jurisdiction :

“end weight” in relation to a carcass, means the weight of that carcass as determined on the completion of the draining of the carcass in the course of processing :

“inspector” means a person appointed an inspector under section 6 of this Act while holding such appointment :

“operator” in relation to a plant, means the person who conducts or has control of the plant :

“plant” means any place or premises used for processing and includes any place or premises used for any stage of processing :

“processing” means the sequence of acts done for the purpose of producing a carcass for sale commencing with the killing of each bird and ending with the removal of the carcass from a plant for the purposes of sale :

“registered plant” means a plant that is for the time being registered pursuant to section 11 of this Act :

“weight gain” in relation to a carcass, means that proportion of the base weight of the carcass (expressed as a percentage) which is equivalent to the difference between the base weight and the end weight.

5. (1) The Minister may by notice published in the *Gazette* exempt—

Exemption
from Act or
specified
provisions
thereof.

(a) any operator ;

(b) any plant ;

or

(c) any particular method of processing,

from all or some of the provisions of this Act and may by a notice published in a like manner revoke that exemption.

(2) While an exemption referred to in subsection (1) of this section remains in force this Act or those provisions, as the case may be, shall not apply to or in relation to the operator, plant or method of processing, so exempted.

PART II.

PART II.

ADMINISTRATION.

DIVISION 1.

DIVISION 1.—INSPECTION.

Appointment
of inspectors.

6. The Governor may appoint such inspectors as may to him from time to time appear necessary for the purposes of this Act.

Certificate
of identifica-
tion.

7. (1) The Minister may provide for each inspector a certificate of identification.

(2) For the purposes of this Act or of any proceedings under this Act the production of a certificate of identification, purporting to be a certificate provided pursuant to subsection (1) of this section, shall be *prima facie* evidence that the person who produced it was, at the time of the production, an inspector.

Powers, etc.
of inspectors.

8. (1) An inspector shall have and may exercise, perform and undertake the powers and duties which are conferred on him by or under this Act or which are necessary or expedient for carrying out or giving effect to the provisions of this Act and, in particular, without limiting the generality of the foregoing, may—

- (a) enter and remain on any plant and carry out any test or investigation in order to ascertain whether the provisions of this Act have been or are being complied with ;
- (b) when carrying out any test or investigation mark any carcass for the purpose of identifying that carcass ;
- and
- (c) seize and retain any carcass which in his opinion it is necessary to seize and retain for the purpose of carrying out any test or investigation or enforcing the provisions of this Act.

(2) An inspector may with the Minister's approval use such persons as he considers necessary to assist him in the exercise, performance or discharge of his powers and duties under this Act.

(3) A person shall not hinder or disturb—

- (a) an inspector in the exercise, performance or discharge of his powers and duties under this Act ;
- or
- (b) a person assisting an inspector in the exercise, performance or discharge by the inspector of his powers and duties under this Act.

Penalty : Two hundred dollars.

DIVISION 2.—REGISTRATION.

DIVISION 2.

9. An operator shall not suffer or permit processing to be carried out at a plant of which he is the operator unless that plant is a registered plant.

Unregistered plants not to be used.

Penalty: Five hundred dollars for each day on which processing is carried out without the plant being a registered plant.

10. Any person who becomes the operator of a registered plant shall within twenty-eight days of so becoming the operator notify the Minister by writing in the prescribed form (containing the prescribed particulars) of that fact.

Person becoming the operator of a registered plant to notify the Minister.

Penalty: One hundred dollars.

11. (1) Any person may apply to have a plant registered by forwarding to the Minister—

Mode of registration.

(a) particulars in the prescribed form of the plant ;

and

(b) the prescribed fee.

(2) On receiving the particulars of the plant and the fee referred to in subsection (1) of this section and on being satisfied that there is no order under section 13 of this Act in force in relation to the plant the Minister shall—

(a) cause the plant to be registered ;

and

(b) as evidence of that registration, cause a certificate of registration, in the prescribed form, to be issued to the person who applied for the registration of the plant.

(3) Where, in the opinion of the Minister, two or more plants or two or more registered plants should be registered as one plant he may on application in the prescribed form and payment of the prescribed fee cause those plants to be registered as one plant and so long as those plants are so registered they shall, for the purposes of this Act be deemed to be one plant.

(4) On application in the prescribed form by the operator of any plant, which has pursuant to subsection (3) of this section been registered together with one or more other plants as one plant, and on payment of the prescribed fee the Minister may in his discretion, register that plant separately.

PART III.PART III.
PROCESSING.

Weight gain
exceeding
eight per
centum.

12. Where an inspector, by any prescribed method, tests a prescribed number of carcasses in a plant for weight gain, and the average weight gain, as determined by the test, of the number of carcasses so tested exceeds eight per centum of the base weight of those carcasses the operator of the plant is guilty of an offence and is liable to a penalty not exceeding two thousand dollars.

Suspension
of registration.

13. (1) Where an operator is convicted of an offence that is a contravention of section 12 of this Act, the court before which he was convicted may in addition to any other penalty imposed on the operator order that processing shall not be carried on in the plant in respect of which the offence was committed for such period, not exceeding six months, as the court determines.

(2) A court may vary or discharge an order made under subsection (1) of this section.

(3) During the currency of any order referred to in subsection (1) of this section or during the currency of any such order as varied pursuant to subsection (2) of this section for the purposes of this Act and of any proceedings under this Act the plant in respect of which the order is current shall be deemed not to be a registered plant.

Prevention of
water entering
tissue.

14. Except as provided by the regulations, a person shall not—

(a) deal with a dead bird or carcass ;

or

(b) suffer or permit a dead bird or carcass to be dealt with, during any stage of processing in such a manner as to enable water or other fluid to be retained in the tissue of the bird or carcass.

Penalty : Five hundred dollars.

Directions of
inspector.

15. (1) Any inspector may give such reasonable directions to any person or class of persons as will, in his opinion, ensure that the weight gain of a carcass occurring in consequence of processing will not be more than eight per centum of the base weight of the carcass.

(2) A person or a person of a class of persons, to whom any direction is given pursuant to subsection (1) of this section, shall not refuse or fail to comply with the direction.

Penalty : Five hundred dollars.

(3) Where a direction given pursuant to subsection (1) of this section is the subject of an appeal under section 16 of this Act any proceedings under this section in relation to a refusal or failure to comply with that direction shall be stayed until that appeal is determined.

16. (1) Any person aggrieved by a direction given pursuant to subsection (1) of section 15 of this Act may—

Appeal against directions.

(a) in the prescribed manner ;

and

(b) within the prescribed time,

appeal against that direction to the Minister.

(2) The Minister may hear and determine the appeal or appoint some competent person to hear and determine the appeal.

(3) In determining the appeal the Minister, or the person appointed by the Minister, as the case may be, may—

(a) confirm the direction, in which case the direction shall, for the purposes of this Act or of any proceedings under this Act, have effect as from the day on which the appeal was so determined ;

(b) annul the direction, in which case the direction shall, for the purpose of this Act or of any proceedings under this Act, be and be deemed always to have been of no effect ;

or

(c) vary the direction, in which case the direction as varied shall have effect as if it had been made by an inspector on the day on which it was so varied and so much of the original direction as is inconsistent with the direction as varied shall be and shall be deemed always to have been of no effect.

(4) A determination pursuant to this section of an appeal is final and is not subject to any further appeal.

PART IV.

PART IV.

MISCELLANEOUS.

Evidence. **17.** For the purposes of this Act or of any proceedings under this Act—

(a) a certificate under the hand of the Minister stating that on a day specified or throughout a period specified therein a particular plant was or was not a registered plant ;

or

(b) a certificate under the hand of an inspector stating that any test specified therein was carried out with the result specified therein,

shall be *prima facie* evidence of the facts stated in the certificate.

**Offences by
bodies
corporate.**

18. Where a body corporate does any act or makes any omission which is an offence against this Act—

(a) every director ;

(b) every member of the governing body ;

and

(c) every person concerned in the management,

of that body corporate who authorized or knowingly permitted that act or omission, as the case may be, shall for the purposes of this Act, be deemed to have committed that offence.

**Summary
procedure.**

19. All proceedings in respect of offences against this Act shall be disposed of summarily.

Regulations.

20. The Governor may make such regulations, not inconsistent with this Act, as may be necessary or convenient for the purposes of carrying out or giving effect to this Act or the objects thereof including (but without limiting the generality of the foregoing) regulations—

(a) prescribing the information which shall appear on any pack containing a carcass as to the presence or absence in or on the carcass of—

(i) any giblets ;

or

(ii) any prescribed part of a dead bird ;

(b) prescribing the type, number, weight or kind of giblets or prescribed part of a dead bird which may be included in a carcass and the practice to be followed with respect to the packing of giblets or prescribed part of any dead bird ;

- (c) regulating the method of processing and prohibiting the doing of any prescribed act or thing as a part of processing ;
 - (d) prescribing tests for the purpose of determining weight gain ;
 - (e) making provision for and prescribing penalties not exceeding two hundred dollars for any breach of or failure to comply with any regulation ;
- and
- (f) prescribing such matters as are by this Act required or permitted to be prescribed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.