
MEAT HYGIENE AMENDMENT ACT 1988

No. 44 of 1988

TABLE OF PROVISIONS

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Principal Act. 4. Amendment of section 3 of Principal Act (Interpretation). 5. Amendment of section 29 of Principal Act (Power of inspectors to require inspection or additional inspection). 6. Amendment of section 31 of Principal Act (Seizure). 7. Amendment of section 33 of Principal Act (Power of inspectors to give directions and perform prescribed functions). 8. Amendment of section 47 of Principal Act (Prohibition on slaughter and processing of certain animals, &c.). 9. Amendment of section 49 of Principal Act (Offence to slaughter at licensed abattoir when inspector not present). | <ol style="list-style-type: none"> 10. Amendment of section 52 of Principal Act (Prohibition of sale of meat, &c., in certain circumstances). 11. Insertion in Principal Act of new section 53A.
53A—Prohibition on keeping meat and meat products produced from diseased animals, &c. 12. Amendment of section 57 of Principal Act (Offence relating to having meat in vehicles). 13. Amendment of section 58 of Principal Act (Offences relating to sale of certain pet foods). 14. Amendment of section 66 of Principal Act (Evidence). 15. Amendments of Principal Act for purpose of converting monetary penalties into penalty units. |
|--|---|

SCHEDULE 1

**AMENDMENTS OF PRINCIPAL ACT FOR
PURPOSE OF CONVERTING MONETARY
PENALTIES INTO PENALTY UNITS**



MEAT HYGIENE AMENDMENT ACT 1988

—————
No. 44 of 1988
 —————

AN ACT to amend the Meat Hygiene Act 1985.

[Royal Assent 8 December 1988]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Meat Hygiene Amendment Act 1988*. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

3—In this Act, the *Meat Hygiene Act 1985** is referred to as the Principal Act. Principal Act.

* No. 114 of 1985. Amended by No. 104 of 1986.

Amendment of
section 3 of
Principal Act
(Interpretation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by omitting the definition of “meat product” and substituting the following definition:—

“meat product” means a product—

(a) that wholly or partially is derived from meat; and

(b) that is intended for human consumption,

and includes any product which complies with paragraphs (a) and (b) and which is partially processed, prepared for further processing, or fully processed;

(b) by omitting the definition of “trade description” and substituting the following definitions:—

“trade description” means any description, statement, pictorial representation, indication, or suggestion, either direct or indirect, which—

(a) purports to describe any meat or meat product in terms according to the custom of the trade or common repute; and

(b) is intended to be taken as an indication of—

(i) whether or not the meat or meat product has been inspected, passed, or certified as fit for human consumption;

(ii) the species of animal or bird from which the meat or meat product has been produced; or

(iii) in the case of any meat or meat product that has been packaged or covered—

(A) the place at which the meat or meat product was packaged or covered; or

(B) the species of animal or bird from which the meat or meat product contained within the package or covering was produced;

“unfit for consumption by pets” means unsound, unsafe, unwholesome, or otherwise unsuitable for consumption by pets for any reason including disease, defect, abnormal condition, putrefaction, decomposition, or contamination;

“unfit for human consumption” means unsound, unsafe, unwholesome, or otherwise unsuitable for human consumption for any reason including disease, defect, abnormal condition, putrefaction, decomposition, or contamination;

(c) by inserting after subsection (2) the following subsections:—

(3) Meat shall be deemed to be unfit for human consumption if it has not been produced at a licensed abattoir, licensed slaughterhouse, licensed poultry abattoir, or licensed game meat processing works.

(4) A meat product shall be deemed to be unfit for human consumption if it is wholly or partially derived from any meat which has not been produced at a licensed abattoir, licensed slaughterhouse, licensed poultry abattoir, or licensed game meat processing works.

Amendment of section 29 of Principal Act (Power of inspectors to require inspection or additional inspection).

5—Section 29 (1) of the Principal Act is amended by omitting “a person in charge” twice occurring and substituting “the person apparently in charge”.

Amendment of section 31 of Principal Act (Seizure).

6—Section 31 of the Principal Act is amended as follows:—

(a) by omitting from subsection (6) “against this Act”;

(b) by adding after subsection (6) the following subsection:—

(7) If any person tampers with, alters, or in any way interferes with any meat, meat product, pet food, or other matter or thing seized under subsection (1), that person, in addition to any other punishment to which he may be liable, is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 penalty units.

Amendment of section 33 of Principal Act (Power of inspectors to give directions and perform prescribed functions).

7—Section 33 of the Principal Act is amended as follows:—

(a) by inserting in subsection (1) “, orally or in writing,” after “may”;

(b) by inserting in subsection (1) “to the holder of a licence in respect of meat premises or the person apparently in charge of licensed meat premises” after “proper”;

(c) by inserting in subsection (1) (a) “the” after “at”;

(d) by inserting in subsection (1) (b) “licensed” before “meat”;

(e) by inserting in subsection (1) (c) “at the licensed meat premises” after “vehicles”.

Amendment of section 47 of Principal Act (Prohibition on slaughter and processing of certain animals, &c.).

8—Section 47 of the Principal Act is amended by adding after subsection (2) the following subsections:—

(3) A person shall not slaughter, or cause to be slaughtered, any animal or bird (not being game) for the production of pet food except at a licensed pet food works.

Penalty: Fine not exceeding 10 penalty units.

(4) A person shall not process the carcass of any animal or bird (not being game) for the production of pet food except at a licensed pet food works.

Penalty: Fine not exceeding 10 penalty units.

(5) Notwithstanding subsection (3), the holder of a pet food works licence or a person who is acting for or on behalf of the holder of a pet food works licence may slaughter any animal or bird (not being game) for the production of pet food at premises, other than licensed meat premises, if—

(a) the animal or bird is slaughtered in accordance with the procedure approved by the Chief Inspector; and

(b) the carcass of the animal or bird is transported, in accordance with the procedure approved by the Chief Inspector, to licensed pet food works for processing at those works.

9—Section 49 of the Principal Act is amended by inserting “or the person in charge of a licensed abattoir” after “abattoir licence”.

Amendment of section 49 of Principal Act (Offence to slaughter at licensed abattoir when inspector not present).

10—Section 52 (1) of the Principal Act is amended by inserting “or process for sale” after “sell”.

Amendment of section 52 of Principal Act (Prohibition of sale of meat, &c., in certain circumstances).

11—After section 53 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 53A.

53A—A person shall not keep or cause to be kept on any premises used by that person for or in connection with the business of selling meat or meat products for human consumption any meat or meat product or any container containing any meat or meat product that—

Prohibition on keeping meat and meat products produced from diseased animals, &c.

(a) was produced from any diseased animal; or

(b) is for any other reason unfit for human consumption.

12—Section 57 of the Principal Act is amended as follows:—

(a) by inserting “(1)” before “A person”;

Amendment of section 57 of Principal Act (Offence relating to having meat in vehicles).

(b) by adding the following subsection as subsection (2) of that section:—

(2) A person shall not have in or on any vehicle on a public street, within the meaning of the *Traffic Act 1925*, pet food, other than pet food produced from game, unless—

(a) it was produced at a licensed pet food works;

(b) it was produced in another State or a Territory of the Commonwealth and certified by an inspector appointed by the Government of that State or Territory or by a Commonwealth inspector as fit for consumption by pets and as having been produced in accordance with standards of hygiene approved, for the time being, by the State or Territory in which it was produced;

(c) it was produced from slaughtering in respect of which a person has obtained the approval in writing of an inspector under section 5 (2) and the person in charge of the vehicle in which the pet food is contained or the person in that vehicle who is in possession of the pet food is the person who obtained that approval, a member of his family, a resident in his home, or his employee or a member of the family of his employee; or

(d) that person has been granted an exemption in relation to this section under section 45.

Penalty: Fine not exceeding 10 penalty units.

13—Section 58 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) (a) “premises; or” and substituting “premises;”;

(b) by omitting from subsection (1) (b) “produced.” and substituting “produced; or”;

(c) by adding after subsection (1) (b) the following paragraph:—

(c) it was produced from game and processed in accordance with the procedure approved by the Chief Inspector.

14—Section 66 of the Principal Act is amended as follows:—

- (a)* by omitting from subsection (2) *(a)* “flesh or offal”,
twice occurring, and substituting “a slaughtering
product”;
- (b)* by omitting from subsection (2) *(b)* “flesh or offal”
and substituting “slaughtering product”;
- (c)* by omitting from subsection (3) “the” after “selling”.

Amendment of
section 66 of
Principal Act
(Evidence).

15—The Principal Act is amended as set out in Schedule 1.

Amendments of
Principal Act for
purpose of
converting
monetary
penalties into
penalty units.

SCHEDULE 1

Section 15

AMENDMENTS OF PRINCIPAL ACT FOR PURPOSE OF CONVERTING
MONETARY PENALTIES INTO PENALTY UNITS

1. Section 7 (1)—

(1) Omit “Penalty: \$5 000 and a daily penalty of \$500.”.

(2) Insert the following subsection after subsection (1):—

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

2. Section 13 (5)—

(1) Omit “penalty not exceeding \$2 000” and substitute “fine not exceeding 20 penalty units”.

(2) Omit “penalty not exceeding \$200” and substitute “fine not exceeding 2 penalty units”.

3. Section 14 (4)—

(1) Omit “penalty not exceeding \$2 000” and substitute “fine not exceeding 20 penalty units”.

(2) Omit “penalty not exceeding \$200” and substitute “fine not exceeding 2 penalty units”.

4. Section 20 (3)—

Omit “\$200” and substitute “Fine not exceeding 2 penalty units”.

5. Section 22 (2)—

Omit “penalty not exceeding \$1 000” and substitute “fine not exceeding 10 penalty units”.

6. Section 24—

Omit “\$3 000” and substitute “Fine not exceeding 30 penalty units”.

7. Section 25—

Omit “\$3 000” and substitute “Fine not exceeding 30 penalty units”.

8. Section 31 (6)—

Omit “penalty not exceeding \$5 000” and substitute “fine not exceeding 50 penalty units”.

9. Section 33 (5)—

(1) Omit “penalty not exceeding \$3 000” and substitute “fine not exceeding 30 penalty units”.

(2) Omit “penalty not exceeding \$300” and substitute “fine not exceeding 3 penalty units”.

10. Section 34 (5)—

(1) Omit “penalty not exceeding \$5 000” and substitute “fine not exceeding 50 penalty units”.

(2) Omit “penalty not exceeding \$500” and substitute “fine not exceeding 5 penalty units”.

11. Section 37—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

12. Section 38 (1)—

Omit “\$3 000” and substitute “Fine not exceeding 30 penalty units”.

13. Section 39—

Omit “\$500” and substitute “Fine not exceeding 5 penalty units”.

14. Section 40 (2)—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

15. Section 41 (2)—

Omit “\$200” and substitute “Fine not exceeding 2 penalty units”.

16. Section 45 (3)—

(1) Omit “penalty not exceeding \$1 000” and substitute “fine not exceeding 10 penalty units”.

(2) Omit “penalty not exceeding \$100” and substitute “fine not exceeding 1 penalty unit”.

17. Section 46—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

18. Section 47 (1)—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

19. Section 47 (2)—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

20. Section 49—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

21. Section 50 (2)—

Omit “\$5 000” and substitute “Fine not exceeding 50 penalty units”.

22. Section 50 (3)—

Omit “\$2 000” and substitute “Fine not exceeding 20 penalty units”.

23. Section 51 (1)—

Omit “\$5 000” and substitute “Fine not exceeding 50 penalty units”.

24. Section 51 (2)—

Omit “\$5 000” and substitute “Fine not exceeding 50 penalty units”.

25. Section 52 (1)—

(1) Omit “Penalty: \$3 000 and a daily penalty of \$300.”.

(2) Insert the following subsection after subsection (1):—

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

26. Section 52 (2)—

(1) Omit “Penalty: \$3 000 and a daily penalty of \$300.”.

(2) Insert the following subsection after subsection (2):—

(2A) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

27. Section 53—

(1) Omit “A person” and substitute “(1) A person”.

(2) Omit “Penalty: \$2 500 and a daily penalty of \$200.”.

(3) Add the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

28. Section 54—

(1) Omit “The holder” and substitute “(1) The holder”.

(2) Omit “Penalty: \$2 000 and a daily penalty of \$200.”.

(3) Add the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

29. Section 55—

Omit “\$2 000” and substitute “Fine not exceeding 20 penalty units”.

30. Section 56—

(1) Omit “A person” and substitute “(1) A person”.

(2) Omit “Penalty: \$3 000 and a daily penalty of \$300.”.

(3) Add the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 30 penalty units and, in the case of a continuing offence, a further fine not exceeding 3 penalty units for each day during which the offence continues.

31. Section 57—

Omit “\$1 000” and substitute “Fine not exceeding 10 penalty units”.

32. Section 58 (1B)—

Omit “penalty not exceeding \$2 000 and, in the case of a continuing offence, to a daily penalty not exceeding \$200” and substitute “fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues”.

33. Section 59—

(1) Omit “A person” and substitute “(1) A person”.

(2) Omit “Penalty: \$1 000 and a daily penalty of \$100.”.

(3) Add the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

34. Section 60 (1)—

Omit “\$3 000” and substitute “Fine not exceeding 30 penalty units”.

35. Section 60 (2)—

(1) Omit “Penalty: \$1 000 and a daily penalty of \$100.”.

(2) Insert the following subsection after subsection (2):—

(2A) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

36. Section 60 (3)—

(1) Omit “Penalty: \$1 000 and a daily penalty of \$100.”.

(2) Insert the following subsection after subsection (3):—

(3A) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during with the offence continues.

37. Section 61—

Omit “\$3 000” and substitute “Fine not exceeding 30 penalty units”.

38. Section 63 (1)—

(1) Omit “penalty not exceeding \$50 000” and substitute “fine not exceeding 500 penalty units”.

(2) Omit “penalty not exceeding \$100 000” and substitute “fine not exceeding 1 000 penalty units”.

39. Section 63 (3)—

(1) Omit “penalty” and substitute “fine”.

(2) Omit “\$10 000” and substitute “100 penalty units”.

(3) Omit “\$25 000” and substitute “250 penalty units”.

40. Section 71 (4)—

(1) Omit “penalty not exceeding \$1 000” and substitute “fine not exceeding 10 penalty units”.

(2) Omit “penalty not exceeding \$100” and substitute “fine not exceeding 1 penalty unit”.