

# AUSTRALIAN CAPITAL TERRITORY

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## Meat (Amendment) Ordinance 1985

No. 26 of 1985

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 21 June 1985.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

NEAL BLEWETT  
Minister of State for Health

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An Ordinance to amend the *Meat Ordinance 1931*

### Short title

1. This Ordinance may be cited as the *Meat (Amendment) Ordinance 1985*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Meat Ordinance 1931*.<sup>2</sup>

**Repeal of sections 2 and 3**

4. Sections 2 and 3 of the Principal Ordinance are repealed.

**Interpretation**

5. Section 4 of the Principal Ordinance is amended—

- (a) by inserting before the definition of “animal” the following definition:

“ ‘abattoir’ means premises used for, or in connection with, the slaughter of animals for meat that is intended for human consumption;”;

- (b) by omitting the definition of “Animal” and substituting the following definition:

“ ‘animal’ means abattoir animal within the meaning of the *Meat Inspection Act 1983*;”;

- (c) by omitting the definition of “Authorized person” and substituting the following definition:

“ ‘authorized person’ means the Chairman, a person appointed by the Minister under section 5 or an inspector within the meaning of the *Public Health Ordinance 1928*;”;

- (d) by omitting the definition of “Approved”;

- (e) by omitting the definition of “City Area” and substituting the following definition:

“ ‘Chairman’ has the same meaning as in the *Health Services Ordinance 1975*;”;

- (f) by omitting the definition of “Commissioner”; and

- (g) by omitting the definitions of “Meat Inspector”, “Regulations” and “This Ordinance” and substituting the following definitions:

“ ‘premises’ includes—

(a) any part of a building or structure; and

(b) any area of land, whether enclosed or not;

‘vehicle’ includes vessel.”.

**Appointment of authorized persons**

6. Section 5 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “meat inspectors and such other officers and employ” and “officers and”; and
- (b) by omitting sub-section (2).

7. Sections 6 and 7 of the Principal Ordinance are repealed and the following section substituted:

**Sale, &c., of unmarked meat**

“6. (1) A person shall not sell, expose for sale or have in his or her possession for sale—

- (a) a carcase not marked in accordance with the *Meat Inspection Act 1983*; or
- (b) meat from such a carcase.

Penalty: \$500.

“(2) Sub-section (1) does not apply to any carcase, or meat from a carcase, that is—

- (a) marked in accordance with the law of a State or a Territory to which the *Meat Inspection Act 1983* does not extend; and
- (b) imported into the Territory in accordance with that Act.”.

8. Sections 8 and 9 of the Principal Ordinance are repealed and the following section substituted:

**Animals to be slaughtered at abattoirs**

“8. A person shall not, without the consent in writing of the Chairman, slaughter an animal in the Territory otherwise than at an abattoir.

Penalty: \$500.”.

**Slaughter of animals for private use**

9. Section 10 of the Principal Ordinance is amended by omitting “the last preceding section” and substituting “section 8”.

**Power to condemn meat**

10. Section 11 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “A Meat Inspector or other” and substituting “An”;

- (b) by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) a carcass not marked in accordance with the *Meat Inspection Act 1983* or meat from such a carcass;”;

- (c) by inserting after sub-section (1) the following sub-sections:

“(1A) Paragraph (1) (c) does not apply to any carcass, or meat from a carcass, that is—

- (a) marked in accordance with the law of a State or a Territory to which the *Meat Inspection Act 1983* does not extend; and
- (b) imported into the Territory in accordance with that Act.

“(1B) Any meat condemned by an authorized person under this section shall become the property of the Commonwealth.”;

- (d) by omitting from sub-section (2) “A Meat Inspector or other” and substituting “An”; and
- (e) by omitting from sub-section (2) “owner thereof” and substituting “Person who was the owner of the meat immediately before it was so condemned”.

#### **Repeal of sections 12, 13 and 14**

11. Sections 12, 13 and 14 of the Principal Ordinance are repealed.

#### **Powers of Minister to engage in certain processes**

12. Section 15 of the Principal Ordinance is amended by omitting from sub-section (2) “the last preceding sub-section” and substituting “sub-section (1)”.

#### **Repeal of sections 16 and 17**

13. Sections 16 and 17 of the Principal Ordinance are repealed.

#### **Power of authorized persons**

14. Sections 18 of the Principal Ordinance is amended—

- (a) by omitting “For the purpose of carrying out this Ordinance, a Meat Inspector or other” and substituting “For the purposes of this Ordinance, an”;
- (b) by inserting after paragraph (a) the following paragraph:

“(aa) where he or she has reason to believe that there is in any vehicle meat intended for sale—

- (i) stop and search the vehicle; or
- (ii) stop the vehicle and require it to be taken to another place in the Territory where a search may conveniently be carried out;”;

(c) by inserting after paragraph (b) the following paragraph:

“(ba) cut into or divide or remove the carcase, or portion of the carcase, of any animal for the purpose of inspection; and”;

(d) by adding at the end the following sub-sections:

“(2) Where an authorized person enters any premises or place in pursuance of paragraph (1) (a) or (c), stops a vehicle or requires a person to take the action referred to in sub-paragraph (1) (aa) (ii), the authorized person shall, if requested by the occupier or person in charge of the premises or place, or the person in charge of the vehicle, produce written evidence that he or she is an authorized person and, if he or she fails to do so—

- (a) where the authorized person has entered any premises or place—he or she is not authorized to remain on the premises or place;
- (b) where the authorized person has stopped a vehicle—he or she is not authorized to search the vehicle; and
- (c) where the authorized person has required a person to take the action referred to in sub-paragraph (1) (aa) (ii)—that person is not obliged to comply with the requirement.

“(3) An authorized person may require any person whom he or she reasonably suspects of having committed an offence against this Ordinance or the regulations to state his full name and usual place of residence.

“(4) Where an authorized person makes a requirement of a person under sub-section (3), the authorized person shall produce written evidence that he or she is an authorized person and, if he or she fails to do so, that other person is not obliged to comply with the requirement.

“(5) Subject to sub-sections (2) and (4), a person who, without reasonable excuse, obstructs or hinders an authorized person in the exercise of his or her powers under this section, or who refuses or fails to comply with a requirement made of him or her under this section by an authorized person, is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.”.

### **Repeal of sections 19 and 19AA**

**15.** Sections 19 and 19AA of the Principal Ordinance are repealed.

### **Evidence in proceedings for certain offences**

**16.** Section 19A of the Principal Ordinance is amended by adding at the end the following sub-section:

“(2) In any proceedings for an offence against this Ordinance, the court shall presume that a document that purports to have been signed by the Chairman was so signed, but that presumption is rebuttable.”.

**17.** After section 19A of the Principal Ordinance the following sections are inserted:

### **Power of Minister to determine fees**

“19B. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.

### **Fees Payable**

“19C. A fee determined under section 19B is payable to the Commonwealth in relation to the relevant matter specified in the notice referred to in that section, being a matter in respect of which the Minister may make regulations.”.

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## NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 28 June 1985.
2. No. 13, 1931 as amended by No. 5, 1933; No. 6, 1940; No. 12, 1950; No. 6, 1953; No. 19, 1966; No. 32, 1968; No. 17, 1975; No. 37, 1976; No. 46, 1978; No. 26, 1979.