

Authorised Version No. 048
Meat Industry Act 1993

No. 40 of 1993

Authorised Version incorporating amendments as at
1 January 2023

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Authorised Version No. 048

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No. 40 of 1993

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The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to set standards for meat production for human consumption and pet food;
- (b) to set up a licensing and inspection system and a mechanism for adopting and implementing quality assurance programs to ensure that those standards are maintained;
- (c) to enable the regulation of meat transport vehicles;
- (d) to establish the Victorian Meat Authority to operate that licensing and inspection system and arrange for the adoption and monitoring of quality assurance programs;
- (da) to empower the Authority to perform the functions conferred on it by the **Seafood Safety Act 2003**;
- (e) to repeal the **Abattoir and Meat Inspection Act 1973**, the **Poultry Processing Act 1968** and the **Abattoir and Meat Inspection (Arrangements) Act 1987**;
- (f) to repeal or amend various other Acts.

S. 1(da)
inserted by
No. 24/2003
s. 62.

2 Commencement

- (1) Part 1 comes into operation on the day on which this Act receives the Royal Assent.
- (2) Section 81 comes into operation on a day to be proclaimed, being a day after the day fixed by Proclamation under section 4(2) of the **Abattoir and Meat Inspection (Arrangements) Act 1987** for the end of the reference to the Commonwealth of matters under that Act.
- (3) The remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (4) If a provision referred to in subsections (2) or (3) does not come into operation within the period of 18 months beginning on and including the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3 Definitions

- (1) In this Act—

abattoir means—

- (a) a place used for slaughter of consumable animals for human consumption; or
- (ab) a vehicle used for slaughter of consumable animals for human consumption; or
- (b) any other place used in connection with a place referred to in paragraph (a); or
- (c) any structure, facility, vehicle or equipment (including equipment to deal with offal or condemned meat) used in connection with a place referred to in paragraph (a) or a vehicle referred to in

S. 3(1) def. of
abattoir
amended by
No. 40/2019
s. 60(1).

paragraph (ab) whether before or after slaughter;

approved inspection service means an inspection service for the time being approved under Part 2;

approved laboratory means a laboratory that has entered into an arrangement with the Secretary to deliver test results to the Secretary;

Authority means PrimeSafe established under this Act;

S. 3(1) def. of *Authority* amended by No. 24/2003 s. 63(1).

boiling down works means a facility used for boiling down (otherwise than for human consumption) meat, blood, bones or offal;

brand includes—

- (a) a mark or stamp; and
- (b) a tag or label containing a brand, mark or stamp;

butcher shop means a shop where meat is sold mainly for human consumption, but does not include—

- (a) a shop where more manufactured meat, or products that contain some or no meat, is sold than unmixed meat; or
- (b) any premises where meat is sold to be consumed on the premises;

S. 3(1) def. of *butcher shop* inserted by No. 98/1997 s. 25(1), amended by No. 24/2003 s. 64(3).

carcass means any part of a dead animal that has been dressed for sale;

S. 3(1) def. of
*chief
veterinary
officer*
amended by
Nos 46/1998
s. 7(Sch. 1),
56/2003
s. 11(Sch.
item 10.1),
70/2013
s. 4(Sch. 2
item 30.1),
22/2022
s. 196(1)(b).

chief veterinary officer means the chief veterinary officer of the Department of Jobs, Precincts and Regions;

S. 3(1) def. of
*Code of
Practice*
inserted by
No. 24/2003
s. 64(1).

Code of Practice means an approved Code of Practice made under section 13A;

consumable animal means—

- (a) poultry; or
- (b) game; or
- (c) an animal from any of the following families, if not living in a wild state—
 - (i) cattle; or
 - (ii) sheep; or
 - (iii) goat; or
 - (iv) pig; or
 - (v) horse; or
 - (vi) donkey; or
 - (vii) ostrich; or
 - (viii) deer; or
- (d) an animal prescribed to be a consumable animal;

declared facility means a premises that is of a class that has been declared under section 10A;

S. 3(1) def. of *declared facility* inserted by No. 98/1997 s. 25(1).

domestic partner of a person means—

S. 3(1) def. of *domestic partner* inserted by No. 72/2001 s. 3(Sch. item 10.1), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 40.1).

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

dressed means the removal of prescribed parts of an animal after slaughter to prepare it for consumption;

edible offal means—

- (a) any part of an animal prescribed to be edible offal; or
- (b) offal approved by an inspector as fit for human consumption;

S. 3(1) def. of
farm
substituted by
No. 22/2022
s. 196(1)(c).

farm means land that is used for the primary production of animals;

S. 3(1) def. of
field depot
inserted by
No. 22/2022
s. 196(1)(a).

field depot means a game processing facility used in the wild to store game meat temporarily under refrigeration before its transport to another game processing facility;

S. 3(1) def. of
Finance Minister
inserted by
No. 28/2007
s. 3(Sch.
item 42.1).

Finance Minister means the Minister administering section 8 of the **Financial Management Act 1994**;

game means—

- (a) an animal from any of the following families, if living in a wild state—
 - (i) rabbit;
 - (ii) hare;
 - (iii) kangaroo;
 - (iv) pig;
 - (v) goat; or
- (b) any animal prescribed to be game;

S. 3(1) def. of
game meat
inserted by
No. 22/2022
s. 196(1)(a).

game meat means meat that comes from game;

game processing facility means a meat processing facility for game;

general meat processing facility means—

- (a) an abattoir; or
- (b) a place approved by the authority where meat is received for inspection or branding under the direction of an inspector; or
- (c) a place or vehicle at which the predominant activity is—
 - (i) the processing of unmixed meat; or
 - (ii) the production or processing of manufactured meat; or
 - (iii) any combination of those activities—

other than a place or vehicle that is solely used to store food in a chilled or frozen state;

harvest vehicle means a game processing facility used in the wild to transport game meat to another game processing facility;

inspector means—

- (a) a person who, under this Act, is appointed as, or has the powers of, an inspector; or
- (b) a person authorised to be an inspector by an approved inspection service—

and in relation to game, horses and donkeys, includes an inspector under the **Livestock Disease Control Act 1994**;

S. 3(1) def. of *general meat processing facility* amended by Nos 98/1997 s. 25(2), 40/2019 s. 60(2).

S. 3(1) def. of *harvest vehicle* inserted by No. 22/2022 s. 196(1)(a).

S. 3(1) def. of *inspector* amended by No. 115/1994 s. 142(Sch. 2 item 5.1) (as amended by No. 73/1996 s. 48(g)(i)).

knackery means—

- (a) a place used for the slaughter of horses, donkeys or other consumable animals not intended for human consumption or for the dressing or processing of their meat; or
- (b) a boiling down works; or
- (c) a place used in connection with a place referred to in paragraph (a) or (b), and any structure, facility or equipment (including equipment to deal with offal) used in connection with that place;

S. 3(1) def. of *legally qualified medical practitioner* repealed by No. 23/1994 s. 118(Sch. 1 item 36.1(a)).

* * * * *

licence means licence under Part 4;

licensed meat transport vehicle means a meat transport vehicle licensed under the regulations;

S. 3(1) def. of *licensed meat transport vehicle* inserted by No. 98/1997 s. 19.

licensee means the holder of a licence;

listed disease or condition means—

- (a) a disease or condition listed in Schedule 1 in relation to a consumable animal, other than poultry; or
- (b) a disease or condition declared under this Part to be a listed disease or condition;

manufactured meat means a processed food product that is a mixture of meat and other food (including water) and in which at least 66% of the unpacked weight of the product is meat, but does not include unmixed meat;

S. 3(1) def. of *manufactured meat* inserted by No. 98/1997 s. 25(1).

meat from a consumable animal means—

- (a) if the expression is used in relation to consumable animals generally, or is not restricted to a consumable animal of a particular kind, meat or edible offal; or
- (b) if the expression is used in relation to consumable animals of a particular kind, meat or edible offal from an animal of that kind;

meat processing facility means—

- (a) a general meat processing facility; or
- (b) a pet food processing facility; or
- (c) a butcher shop; or
- (d) any place or vehicle that is used for the sale of meat for human consumption or the handling, storage or transportation of meat for sale for human consumption but does not include a place or vehicle—
 - (i) where more manufactured meat, or products that contain some or no meat, is sold than unmixed meat; or
 - (ii) where meat is sold to be consumed at that place or vehicle;

S. 3(1) def. of *meat processing facility* amended by Nos 98/1997 s. 25(3), 24/2003 s. 64(4).

meat transport vehicle means a vehicle used for the conveyance of any carcass or meat intended for human consumption;

S. 3(1) def. of *meat transport vehicle* inserted by No. 98/1997 s. 19.

S. 3(1) def. of
own
inserted by
No. 98/1997
s. 19.

offal means any part of a consumable animal not ordinarily used for human consumption;

own, in relation to a meat transport vehicle, includes being in charge of the vehicle and having the control and management of the vehicle;

operator in relation to a meat processing facility means the operator of that facility within the meaning of Part 4;

S. 3(1) def. of
pet food processing facility
amended by
Nos 24/2003
s. 64(5),
40/2019
s. 60(3).

pet food processing facility means—

- (a) a knackery; or
- (b) a place or vehicle (other than a retail butcher shop) where meat or seafood intended for consumption as pet food is stored for sale, prepared for sale or sold;

S. 3(1) def. of
police officer
inserted by
No. 37/2014
s. 10(Sch.
item 109.1).

police officer has the same meaning as in the **Victoria Police Act 2013**;

poultry means—

- (a) a bird—
 - (i) which is not living in a wild state; and
 - (ii) whose meat is intended for human consumption or for consumption as pet food; or
- (b) a bird prescribed to be poultry—
but does not include emus and ostriches;

S. 3(1) def. of
poultry meat
inserted by
No. 22/2022
s. 196(1)(a).

poultry meat means meat that comes from poultry;

poultry processing facility means a meat processing facility for poultry;

processing of meat means any activity in the process of preparing meat for consumption, beginning with the delivery of animals for slaughter, but does not include the retail sale of meat for human consumption;

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

S. 3(1) def. of *registered medical practitioner* inserted by No. 23/1994 s. 118(Sch. 1 item 36.1(b)), amended by No. 97/2005 s. 182(Sch. 4 item 35), substituted by No. 13/2010 s. 51(Sch. item 36).

* * * * *

S. 3(1) def. of *retail butcher shop* repealed by No. 98/1997 s. 25(4).

seafood has the same meaning as in section 3 of the **Seafood Safety Act 2003**;

S. 3(1) def. of *seafood* inserted by No. 24/2003 s. 64(2).

Secretary means the Secretary to the Department of Jobs, Precincts and Regions;

S. 3(1) def. of *Secretary* amended by Nos 46/1998 s. 7(Sch. 1), 56/2003 s. 11(Sch. item 10.1), 70/2013 s. 4(Sch. 2 item 30.2), 22/2022 s. 196(1)(d).

S. 3(1) def. of
*Secretary to the
Department of Health*
inserted by
No. 29/2010
s. 64(1).

Secretary to the Department of Health means the
Department Head (within the meaning of the
Public Administration Act 2004) of the
Department of Health;

S. 3(1) def. of
sell
substituted by
No. 24/2003
s. 64(6).

sell, for the purposes of this Act, has the same
meaning as sell has in relation to food under
section 4(1) of the **Food Act 1984**;

S. 3(1) def. of
spouse
inserted by
No. 72/2001
s. 3(Sch.
item 10.1).

spouse of a person means a person to whom the
person is married;

S. 3(1) def. of
unmixed meat
inserted by
No. 98/1997
s. 25(1).

unmixed meat means any meat that has not been
mixed with any other substance, but includes
meat that has had a negligible quantity of
other food added to it if that other food does
not fundamentally change the character of
the meat;

S. 3(1) def. of
vehicle
inserted by
No. 98/1997
s. 19.

vehicle means a conveyance designed to be
propelled or drawn by any means, whether or
not capable of being so propelled or drawn,
and includes cart, caravan, bicycle, railway
carriage, tram-car, ship, boat, barge, vessel,
aircraft and aircushion vehicle.

* * * * *

S. 3(1A)
inserted by
No. 46/1998
s. 7(Sch. 1),
amended by
Nos 56/2003
s. 11(Sch.
item 10.2),
108/2004
s. 117(1)
(Sch. 3
item 125.1),
70/2013
s. 4(Sch. 2
item 30.3),
repealed by
No. 22/2022
s. 196(2).

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

S. 3(2)
repealed by
No. 98/1997
s. 25(5),
new s. 3(2)
inserted by
No. 72/2001
s. 3(Sch.
item 10.2),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 40.2).

- (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
- (c) a person is not a domestic partner of another person only because they are co-tenants.

4 Declared diseases or conditions

- (1) The Governor in Council, by Order published in the Government Gazette, may declare to be a listed disease or condition for the purposes of this Part—
 - (a) a disease or condition; or

(b) a defect that makes an animal unfit for human consumption or for consumption as pet food.

(2) A declaration under subsection (1) may be general or may be limited to a place or class of places or consumable animals of a kind specified in the declaration.

5 Act not to apply in certain cases

(1) This Act does not apply to—

(a) meat from a consumable animal if the meat is—

(i) in a dwelling; or

S. 5(1)(a)(ii)
repealed by
No. 98/1997
s. 26(a).

* * * * *

(iii) dried meat in a retail shop; or

S. 5(1)(a)(iv)
repealed by
No. 22/2022
s. 197(1)(a).

* * * * *

(b) the slaughter of an animal on a farm if—

(i) it is slaughtered for consumption on that farm; and

(ii) it is not slaughtered for sale; and

(iii) it is not slaughtered for use in the preparation of food for sale; and

(iv) it is not removed from that farm; or

S. 5(1)(b)(iv)
amended by
No. 22/2022
s. 197(1)(b).

- (c) meat to which a brand has been applied in accordance with the Commonwealth Act called the Export Control Act 1982 as amended and in force for the time being; or
- (d) the sale of meat from a consumable animal if—
- (i) the sale is either—
 - (A) a retail sale; or
 - (B) a sale by wholesale by a person or body, being a person or body engaged in retail sale of that type of meat, to another person or body for the purpose of retail sale by that other person or body; and
 - (ii) the meat has been processed, packaged for retail sale in Australia and labelled at one or more—
 - (A) licensed meat processing facilities; or
 - (B) places licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (iii) the meat is contained inside impermeable and hermetically sealed packaging; and
 - (iv) the meat—
 - (A) in the case of a retail sale, has not been repackaged; or
 - (B) in the case of a sale by wholesale, is not intended to be repackaged before retail sale; or

S. 5(1)(c)
amended by
No. 22/2022
s. 197(1)(c).

S. 5(1)(d)
inserted by
No. 22/2022
s. 197(1)(d).

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S. 5(1)(e)
inserted by
No. 22/2022
s. 197(1)(d).

- (e) the handling, storage or transport of meat from a consumable animal if—
 - (i) the handling, storage or transport is incidental to—
 - (A) retail sale of the meat; or
 - (B) wholesale of the meat by a person or body, being a person or body engaged in retail sale of that type of meat, to another person or body for the purpose of retail sale by that other person or body; and
 - (ii) the meat has been processed, packaged for retail sale in Australia and labelled at one or more—
 - (A) licensed meat processing facilities; or
 - (B) places licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (iii) the meat is contained inside impermeable and hermetically sealed packaging; and
 - (iv) the meat has not been, and is not intended to be, repackaged before retail sale.

S. 5(2)
amended by
No. 98/1997
s. 26(b),
substituted by
No. 53/2001
s. 3.

- (2) The Minister, by notice published in the Government Gazette—

S. 5(2)(a)
amended by
No. 22/2022
s. 197(2).

- (a) may exempt a class of licensee from any of the provisions of this Act or the regulations;

- (b) may exempt a class of meat processing facility from this Act or the regulations or from any provisions of this Act or the regulations.
- (3) The notice must specify the extent of the exemption.
- (4) This Act does not apply to the slaughter of poultry on a property if—
 - (a) it is slaughtered for consumption on that property; and
 - (b) it is not slaughtered for sale; and
 - (c) it is not slaughtered for use in the preparation of food for sale; and
 - (d) it is not removed from that property.
- (5) The provisions of Parts 2 and 5 do not apply to a poultry processing facility or a game processing facility until a day appointed by the Minister by notice published in the Government Gazette.
- (6) For the purposes of subsection (5)—
 - (a) different days may be appointed in respect of different provisions of Parts 2 and 5; and
 - (b) different days may be appointed for poultry processing facilities and game processing facilities.

S. 5(2)(b)
amended by
No. 22/2022
s. 197(2).

* * * * *

S. 5(7)
repealed by
No. 84/2001
s. 8.

Part 2—Meat inspection

6 Authority to provide inspection services

- (1) Subject to this Part, the Authority must provide inspection services for the animals and meat at each licensed meat processing facility, other than a poultry processing facility or a game processing facility.
- (2) The Authority may charge the licensee of a meat processing facility a fee for the inspection service provided for that facility.

7 Approved inspection services

- (1) The Authority may, by instrument, approve a person or body to be an approved inspection service.
- (2) The Authority must not give approval under subsection (1) unless—
 - (a) it is satisfied that the person or body, or its agents or contractors can provide an adequate, appropriate and efficient inspection service and that the service will be provided by appropriately qualified persons; and
 - (b) it has entered into an agreement or arrangement under this section with that person or body.
- (3) An approval—
 - (a) may relate to inspection services generally or to the whole of Victoria; and
 - (b) may be limited to particular areas or inspection services of a particular kind; and
 - (c) may be subject to any condition or restriction that the Authority thinks fit.

- (4) An agreement or arrangement under this section—
 - (a) must regulate the provision of an inspection service; and
 - (b) may provide for consideration to be paid to or received by the Authority in respect of the giving of the right to provide that service; and
 - (c) must regulate inspection charges to be made by the service, whether by setting up specific charges, a method of calculating charges, maximum or minimum charges or the waiver of charges; and
 - (d) must provide that the agreement terminates if the Authority withdraws approval of the service; and
 - (e) may contain any other provision agreed between the Authority and the service.
- (5) The Authority and an approved inspection service may, by agreement or arrangement (as the case requires) vary or terminate an agreement or arrangement under this section.
- (6) The Authority may, by instrument given to an approved inspection service, withdraw approval of the service, if satisfied that the service is in breach of a condition or restriction of the approval or of an agreement or arrangement under this section.
- (7) An approved inspection service may, in accordance with its approval and the agreement or arrangement applying to it under this section, charge inspection fees for inspections carried out by the service.

8 Relationship between inspection systems

- (1) Section 7, and any agreement or arrangement existing under it, do not prevent the performance of a function or duty or the exercise of a power, by an inspector employed or appointed by the Authority or by a person having the functions and powers of an inspector.
- (2) The Authority does not have to provide an inspection service for a meat processing facility for which there is an approved inspection service.

9 Recovery of inspection fees

- (1) The Authority or an approved inspection service may require payment of inspection fees by giving to the licensee a written statement specifying the amount of the fee and the date for payment.
- (2) If the licensee does not pay the fee on or before the due date—
 - (a) it is recoverable from the licensee in any court of competent jurisdiction as a debt to the Authority or approved inspection service; and
 - (b) the Authority or approved inspection service may give written notice to the licensee that it intends to withdraw inspection services from the facility on a day specified in the notice, being not less than 14 days after the notice was given.
- (3) If the fee is not paid on or before the date specified in a notice under subsection (2)(b), the Authority or approved inspection service may withdraw inspection services until the fee is paid.

Part 3—Quality assurance programs

10 Approval of programs

The Authority, on its own initiative or at the request of the holder of or an applicant for a licence for a meat processing facility, may approve a quality assurance program for the facilities covered or to be covered by the licence.

10A Minister may require certain premises to have quality assurance program

S. 10A
inserted by
No. 98/1997
s. 27.

- (1) The Minister may, by notice published in the Government Gazette, declare that a class of—
 - (a) butcher shops; or
 - (b) places at which the predominant activity is the production or processing of manufactured meat, other than places that are solely used to store food in a chilled or frozen state—

is to have a quality assurance program.

- (2) In making a declaration, the Minister must specify that the declaration is to take effect on a specified date on or after the making of the declaration.
- (3) The Authority must not grant a licence to, or renew the licence of, a person to operate a declared facility at a premises on or after the date the premises becomes a declared facility unless it has approved a quality assurance program for the premises.

11 Contents of program

- (1) A quality assurance program must provide for the following—
 - (a) strategies to ensure that, subject to paragraph (d), the standards required by this

Act and the regulations are maintained at the facility;

- (b) that the facilities (including the construction and operation of the facilities) to which it applies are to comply with any applicable Code of Practice for the time being approved by the Minister and specified in the program;
 - (c) strategies for implementing any applicable approved Code;
 - (d) exempting the licensee from compliance with any requirement of this Act or the regulations relating to inspection or branding, to the extent that the requirement is inconsistent with the program;
 - (e) exempting the licensee from compliance with the regulations relating to any other matter covered by the program;
 - (f) strategies for monitoring compliance with the program;
 - (g) written records of checks and inspections made by the licensee;
 - (h) in the case of a declared facility, strategies for the training of the staff at the facility in food handling.
- (2) A quality assurance program may contain any other provision agreed between the Authority and the licensee.
- (3) A licensee is exempt from a requirement of this Act or the regulations to the extent provided in an approved quality assurance program under subsection (1)(d) or (e).

S. 11(1)(h)
inserted by
No. 98/1997
s. 28(1).

- (4) In the case of a declared facility, if food other than unmixed or manufactured meat is produced, processed or sold at the facility, the quality assurance program must, in respect of that other food, do all of the things listed in section 19D of the **Food Act 1984**.

S. 11(4)
inserted by
No. 98/1997
s. 28(2),
amended by
No. 24/2003
s. 65.

12 Compliance monitoring

The Authority must keep under regular review the extent of compliance with each approved quality assurance program.

12A Audit of quality assurance programs of declared facilities

S. 12A
inserted by
No. 98/1997
s. 29.

- (1) The Authority may require any person holding a licence for a declared facility with a quality assurance program to have the program audited for the purpose of determining whether the program—
- (a) has been complied with during the period covered by the audit; and
 - (b) is still adequate at the date of the audit.
- (2) Such a requirement—
- (a) must be made in writing; and
 - (b) may be made on a one-off basis or may require an audit to be performed annually or at any other specified frequency; and
 - (c) must specify the minimum qualifications or experience that must be held by the person who is to conduct any required audit; and
 - (d) may impose restrictions relating to the suitability of persons to conduct any required audit; and
 - (e) must specify by when, how and by whom the results of any required audit are to be reported to the Authority.

S. 12A(2)(d)
substituted by
No. 53/2001
s. 4.

- (3) The Authority may vary any requirement at any time by giving the licensee written notice of the variation.

13 Withdrawal or suspension

- (1) The Authority must withdraw or suspend approval for a quality assurance program by giving written notice of withdrawal or suspension to the licensee, if the Authority considers that there has been a failure to comply with the program and the failure is so serious that it cannot be dealt with by increased monitoring requirements under the program.
- (2) A quality assurance program must be taken not to be approved while its approval is suspended.
- (3) The Authority may at any time revoke the suspension of approval of a quality assurance program by giving written notice of revocation to the licensee.

Part 3A—Codes of Practice

Part 3A
(Heading and
ss 13A–13E)
inserted by
No. 24/2003
s. 66.

13A Codes of Practice

S. 13A
inserted by
No. 24/2003
s. 66.

- (1) The Authority may make Codes of Practice in accordance with this Part.
- (2) A Code of Practice must be approved by the Minister before it is made.
- (3) A Code of Practice may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether—
 - (a) wholly or partially or as amended by the Code of Practice; or
 - (b) as formulated, issued, prescribed or published at the time the Code of Practice is made or at any time before then; or
 - (c) as formulated, issued, prescribed or published from time to time.
- (4) If a Code of Practice has applied, adopted or incorporated any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, code, standard, rule, specification or method is at any time amended, until the Authority causes notice to be published in the Government Gazette of that amendment, the document, code, standard, rule, specification or method is to be taken not to have been so amended.

- (5) A Code of Practice may—
- (a) confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons and bodies;
 - (b) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Authority;
 - (c) authorise an officer or employee of the Authority to enforce the Code of Practice.

S. 13B
inserted by
No. 24/2003
s. 66.

13B Procedure for making a Code of Practice

- (1) Before the Authority makes a Code of Practice it must comply with the following procedure.
- (2) The Authority must give a notice stating—
 - (a) the purpose and general purport of the proposed Code of Practice;
 - (b) where a copy of the proposed Code of Practice can be obtained or inspected;
 - (c) that any person may make a submission on the proposed Code of Practice to the Authority within the period specified in the notice.
- (3) The Authority must allow at least 28 days after the day on which a notice is given under subsection (2) for the making of submissions.
- (4) After the Authority has considered any submission, the Authority must give a notice stating that it intends to make the Code of Practice.
- (5) A notice under this section must be—
 - (a) published in the Government Gazette;
 - (b) published in a daily newspaper generally circulating in Victoria;

- (c) sent to meat industry bodies or organisations that the Authority considers are likely to be affected by the proposed Code of Practice.

13C Commencement of Code of Practice

S. 13C
inserted by
No. 24/2003
s. 66.

A Code of Practice or a provision of a Code of Practice comes into operation at the beginning of the day on which the Code of Practice is approved by the Minister or at the beginning of any later day that is expressed in the Code of Practice as the day on which the Code of Practice or provision comes into operation.

13D Availability of Codes of Practice

S. 13D
inserted by
No. 24/2003
s. 66.

- (1) Upon the making of a Code of Practice, the Authority must cause notice of—
- (a) the making of the Code of Practice; and
 - (b) the date of commencement of the Code of Practice; and
 - (c) the place where copies of the Code of Practice may be obtained—
- to be published in the Government Gazette.
- (2) There must be published with a notice under subsection (1) or a notice of an amendment under section 13A(4), a notice stating that the Code of Practice, any incorporated document or any amendment to an incorporated document, as the case may be, may be inspected at the office of the Authority specified in the notice.
- (3) Even though a Code of Practice has come into operation, a person cannot be convicted of an offence or be prejudicially affected or made subject to any liability under the Code of Practice if it is proved that at the relevant time notice of the Code of Practice had not been published in the Government Gazette and a copy of the Code of

Practice and any incorporated document was not available for inspection.

- (4) Subsection (3) does not apply if it is proved that at the relevant time reasonable steps had been taken for the purpose of bringing the general purport of the Code of Practice to the notice of the public or of persons likely to be affected by the Code of Practice.

S. 13E
inserted by
No. 24/2003
s. 66.

13E Requirement to comply with Code of Practice

A licensee must comply with any applicable Code of Practice.

Note

Failure to comply with any requirement of an applicable Code of Practice is a ground for a refusal to renew a licence under section 20(1) or the cancellation or suspension of a licence under section 22(2).

Part 4—Licensing

Division 1—General provisions

14 Licence application

- (1) A person may apply to the Authority for a licence to operate a meat processing facility.
- (2) The application—
 - (a) must be in writing in a form approved by the Authority for applications of that kind; and
 - (b) must be accompanied by the appropriate fee fixed by the Authority; and
 - (c) must include—
 - (i) if the applicant is a corporation or if the applicants are members of a partnership, the name of the operator; and
 - (ii) if the application relates to a declared facility, poultry processing facility or game processing facility, a proposed quality assurance program for the facilities to be covered by the licence; and
 - (iii) if the applicant nominates an operator in the application, evidence (addressing the matters in section 16) that the nominee is a fit and proper person to be an operator; and
 - (iv) evidence (addressing the matters in section 16) that the applicant is a fit and proper person to be granted a licence.

S. 14(2)(c)(ii)
amended by
No. 98/1997
s. 30(1).

- (3) If asked to do so by the Authority, the applicant must give the Authority any more information about the application that the Authority reasonably requires.

15 Licensing of food processing facilities

- (1) If a person wishes to sell, in a place outside Victoria, food containing meat from Victoria and a law or code of practice in force in that place prohibits the sale of that food unless it has been processed under licence under this Act, the person may apply for and obtain a licence under this Act as if the processing facility were a meat processing facility.
- (2) The provisions of this Act applying to a licensed meat processing facility also apply to a facility referred to in subsection (1).
- (3) This section is in addition to and does not take away from any provision of the **Food Act 1984**.

16 Fit and proper person—operator and applicant

- (1) This section does not limit the circumstances in which a person may be considered not to be a fit and proper person to be nominated as, or to be an operator or to be granted a licence.
- (2) For the purposes of this Act, a person must be taken not to be a fit and proper person to be an operator or to be granted a licence if—
- (a) the person, or an associate of the person is not of good repute having regard to character, honesty and integrity; or
 - (b) the person, or an associate of the person has a business association with a person, body or association who or which is not of good repute having regard to character, honesty and integrity; or

- (c) a director, partner, trustee, executive officer, secretary or any other officer or person associated or connected with the ownership, administration or management of the person's business as a meat processing facility operator is not a suitable person to act in that capacity.
- (3) For the purposes of this section a person (*the associate*) is the associate of another person (*the principal*) if the associate—
- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person), in the principal's business as a meat processing facility operator, and by virtue of that interest or power is able or would be able to exercise significant influence over or with respect to the management or operation of that business; or
 - (b) holds or will hold any relevant position, whether in right of the associate or on behalf of any other person, in the principal's business as a meat processing facility operator; or
 - (c) is a relative of the principal; or
 - (d) is an agent of the principal.

- (4) In subsection (3)—

relative means spouse or domestic partner, parent, child, or sibling (whether of the full or half blood);

S. 16(4) def. of *relative* amended by No. 72/2001 s. 3(Sch. item 10.3).

relevant financial interest in relation to a business means—

- (a) any share in the capital of the business;
or
- (b) any entitlement to receive any income derived from the business; or
- (c) any entitlement to receive any payment as a result of money advanced;

relevant position in relation to a business, means the position of director, manager or other executive position or secretary, however that position is designated;

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in any directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

17 Authority may determine application

- (1) The Authority may determine a licence application by granting or refusing it.
- (2) In granting a licence, the Authority may specify any conditions or restrictions to which the licence is subject, including conditions regulating or prohibiting any activity at a meat processing facility covered by the licence.
- (3) A licence must not be made subject to a condition or restriction that is inconsistent with an approved quality assurance program applying to the facilities covered by the licence.

- (4) Each licence is subject to the condition that the licensee must comply with any quality assurance program approved by the Authority for the facilities covered by the licence.
- (5) If the Authority refuses a licence application, it must as soon as possible give notice of this and the reasons for the refusal to the applicant.
- (6) The Authority must issue the licence as soon as possible after granting the licence application.

18 Authority must refuse to grant licence in some cases

- (1) Despite section 17, the Authority must refuse to grant a licence if—
 - (a) the applicant has not complied with section 14; or
 - (b) the applicant has been convicted of an offence against this Act, the **Livestock Disease Control Act 1994**, the **Abattoir and Meat Inspection Act 1973**, the **Poultry Processing Act 1968**, the **Public Health and Wellbeing Act 2008**, the **Food Act 1984**, the **Dairy Act 2000** or the **Seafood Safety Act 2003** (including any regulation, code of practice or other subordinate instrument made under those Acts), if the Authority considers the gravity of the offence sufficient to justify refusal of the application; or
 - (c) the applicant has been convicted of an offence against an Act of the Commonwealth, or a State or a Territory of the Commonwealth, which corresponds to an Act referred to in paragraph (b), if the Authority considers the gravity of the offence sufficient to justify refusal of the application; or

S. 18
amended by
No. 24/2003
s. 67(2) (ILA
s. 39B(1)).

S. 18(1)(b)
amended by
No. 115/1994
s. 142(Sch. 2
item 5.2) (as
amended by
No. 73/1996
s. 48(g)(ii)),
substituted by
No. 24/2003
s. 67(1)(a),
amended by
No. 46/2008
s. 280(1).

- (d) any site, structure, facilities or other thing to be used in connection with the meat processing facility do not comply with the prescribed minimum standards and the non-compliance is so serious as to warrant the refusal to grant the licence; or
- (e) the Authority considers that—
 - (i) the application is inconsistent with any applicable planning scheme or statutory instrument concerning land use; or
 - (ii) the location or site is unsuitable; or
- (f) having regard to section 16 and to any other matters that are considered relevant, the Authority considers that—
 - (i) the applicant is not a fit and proper person to be granted a licence; or
 - (ii) any operator nominated by the applicant is not a fit and proper person to be operator; or
- (g) the applicant or the operator has outstanding debts to the Authority or to an approved inspection service which have not been repaid after reasonable demands and which are so substantial that the Authority reasonably considers refusal of the licence is justified; or
- (h) the applicant has ceased to conduct a business of the nature specified in the application under section 14; or
- (i) any other ground which is prescribed for the purposes of this section applies.

S. 18(g)
amended by
No. 24/2003
s. 67(1)(b).

S. 18(h)
inserted by
No. 24/2003
s. 67(1)(c).

S. 18(i)
inserted by
No. 24/2003
s. 67(1)(c).

(2) Despite section 17, the Authority may refuse to grant a licence if—

S. 18(2)
inserted by
No. 24/2003
s. 67(2).

(a) the applicant does not meet or comply with any requirement of this Act, the **Public Health and Wellbeing Act 2008** or the **Food Act 1984** (including any regulation, code of practice or other subordinate instrument made under those Acts) that is applicable; and

S. 18(2)(a)
amended by
No. 46/2008
s. 280(1).

(b) the Authority considers that the failure to meet or comply with the requirement is sufficient to justify its decision under this subsection—

other than where a failure to meet or comply with such a requirement is a ground for refusal to grant a licence under subsection (1).

19 Licence period

A licence is in force for the period, not exceeding 3 years, specified in the licence.

20 Licence renewal

S. 20
amended by
No. 98/1997
s. 30(2) (ILA
s. 39B(1)).

(1) Subject to subsection (2), the provisions of this Part applying to a new licence also apply to a renewal of a licence.

S. 20(1)
amended by
No. 24/2003
s. 68.

(2) The Authority may refuse to renew a licence for a declared facility if—

S. 20(2)
inserted by
No. 98/1997
s. 30(2).

(a) the licence holder has failed to comply with a condition of the licence; or

(b) the licence holder has not complied with a requirement made by the Authority under section 12A; or

- (c) an audit of the quality assurance program for the facility indicates that there has been a failure to comply with the program, or that the program is not adequate.

21 Variation of a licence

- (1) The Authority may vary the conditions or restrictions in a licence by addition, deletion or amendment.
- (2) The Authority cannot under subsection (1) vary the period for which the licence is in force.
- (3) A licence may be varied on the Authority's own initiative or at the licensee's request.
- (4) The Authority must not, on its own initiative vary a licence so as to impose conditions or restrictions less favourable than those in the original licence unless—
 - (a) it considers that there are grounds for suspending or cancelling a licence; and
 - (b) it considers that variation of the licence, rather than suspension or cancellation, is appropriate in the circumstances; and
 - (c) it has given the licensee written notice of its intention to vary the licence; and
 - (d) it has given the licensee reasonable opportunity to make written submissions to it on the matter.
- (5) The variation of a licence does not take effect until the Authority gives written notice of the variation to the licensee.
- (6) If asked to do so by the Authority, the licensee must produce the licence to the Authority so that the variations can be noted on it.

Penalty: 50 penalty units.

22 Suspension or cancellation of licence

- (1) The Authority may suspend a licence for a specified period or cancel it if it is satisfied that grounds for suspension or cancellation exist.
- (2) The grounds for suspension or cancellation of a licence are any of the following—
 - (a) the licensee has not paid any appropriate fee;
 - (b) the licensee has not complied with a condition or restriction of the licence;
 - (c) the grounds on which the application for a licence could be refused specified in section 18(1)(b), 18(1)(c), 18(1)(d), 18(1)(e), 18(1)(f), 18(1)(g), 18(1)(h), 18(1)(i) or 18(2);
 - (d) the licensee has requested the suspension or cancellation;
 - (e) in the case of a declared facility, the licensee has not complied with a requirement made by the Authority under section 12A.
- (3) Before suspending or cancelling a licence under subsection (2)(a) to (c) the Authority must—
 - (a) give written notice to the licensee of its intention and the reasons for it; and
 - (b) give the licensee a reasonable opportunity to make written submissions to it on the matter; and
 - (c) if the ground for suspension or cancellation in section 18(d) applies to the licensee—
 - (i) state what the licensee has to do to comply with the prescribed minimum standard; and

S. 22(2)(c)
amended by
No. 24/2003
s. 69.

S. 22(2)(e)
inserted by
No. 98/1997
s. 30(3).

- (ii) specify a period within which that minimum standard must be complied with; and
 - (iii) be satisfied that the licensee has not complied with that standard within that specified period.
- (4) While a person's licence is suspended, the person must be taken not to hold a licence.
 - (5) If a suspended licence is renewed during the suspension period, the suspension continues to apply to the new licence.
 - (6) The Authority may at any time revoke the suspension of a licence.

23 Licensee to comply with other applicable laws

In establishing or operating a meat processing facility a licensee must comply with any Act other than this Act and with any statutory instrument applying to the facility.

24 Review by Victorian Civil and Administrative Tribunal

- (1) A person whose interests are affected by a decision of the Authority to—
 - (a) refuse an application for the grant or renewal of a licence; or
 - (b) impose a condition or restriction when granting or renewing a licence; or
 - (c) vary, suspend or cancel a licence; or
 - (d) refuse to approve an alteration or addition to a part of a building used for a meat processing facility under Division 1 of Part 5; or
 - (e) refuse to approve a person or body to be an approved inspection service; or

S. 24 substituted by No. 52/1998 s. 311(Sch. 1 item 58).

S. 24(1)(d) amended by No. 53/2001 s. 5(a).

S. 24(1)(e) inserted by No. 53/2001 s. 5(b).

- (f) impose or vary a restriction relating to the suitability of persons to conduct a required audit of a quality assurance program of a declared facility—

S. 24(1)(f)
inserted by
No. 53/2001
s. 5(b).

may apply to the Victorian Civil and Administrative Tribunal for review of the decision.

- (2) An application for review must be made within 28 days after the later of—
- (a) the day on which the decision is made;
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

Division 2—Operators

25 Operators of meat processing facilities

- (1) A corporation which is a licensee or applicant for a licence must, in accordance with this section, nominate an officer of the corporation to be the operator of the meat processing facilities covered or to be covered by the licence.
- (2) If a licence is held or applied for by the members of a partnership the partners must, in accordance with this section, nominate a partner to be the operator of the meat processing facilities covered or to be covered by the licence.

- (3) A nomination under this section—
- (a) must be in writing given to the Authority;
and
 - (b) if made by a person who under Part 9 is taken to hold a licence, must be made within 28 days after the commencement of section 86; and
 - (c) if made by an applicant for a licence, must be included in the licence application; and
 - (d) must state the nominee's name and any other prescribed information.
- (4) For the purposes of this Act, the operator of meat processing facilities covered by a licence that is not held by a corporation or partnership is the licensee.

26 Change of nomination

A licensee referred to in section 25(1) or (2) may change the nominated operator of the facilities covered by the licence by nominating another natural person in accordance with section 25(3).

27 Powers and functions of operator

- (1) A document which, under this Act or the regulations, may be given to or served on a licensee must be taken to have been so given or served if given to or served on the operator of the meat processing facilities covered by the licence.
- (2) A direction or request which, under this Act or the regulations, may be given or made to a licensee by an inspector must be taken to have been so given or made if given or made to the operator of the meat processing facilities covered by the licence.

- (3) The functions of a licensee's operator are—
- (a) to have general oversight over the operations of the meat processing facilities covered by the licence;
 - (b) to liaise between the licensee and those using the meat processing services at facilities covered by the licence;
 - (c) to supervise compliance by the meat processing facilities covered by the licence with the applicable provisions of this Act, the regulations and any quality assurance program.
- (4) This section does not remove from the licensee any obligation imposed on the licensee under this Act, the regulations or a quality assurance program.

28 Operator's and licensee's names to be displayed

A licensee must ensure that the name of the licensee's operator and of the licensee are displayed at the main entrance to each meat processing facility covered by the licence.

Penalty: 50 penalty units.

Part 5—Duties concerning meat processing facilities

Division 1—Offences concerning meat processing facilities

29 Records

For each meat processing facility covered by a licence the licensee must keep a record book relating to the facility in which the licensee must record—

- (a) the prescribed information about the business carried on there; and
- (b) any information about the business that the Authority reasonably requires to be recorded, by notice given to the licensee.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or 12 months imprisonment or both.

30 Testing for chemicals and disease

- (1) The Secretary may direct the licensee, manager or operator of a meat processing facility to carry out, at an approved laboratory, specified tests for chemical residues and listed diseases or conditions on any animal or meat in the licensee's, manager's or operator's possession in connection with the facility.
- (2) The direction—
 - (a) may require the taking, delivery and testing of samples; and
 - (b) may prohibit the destruction of animals at the facility or the removal of animals from the facility.

- (3) The direction must be in writing.
- (4) As soon as possible after the direction is given, a copy of it must be given to the Authority.
- (5) A person given a direction under this section must obey it.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units
or 12 months imprisonment or both.

- (6) The Secretary may, by instrument, delegate to any officer or employee of the Authority, the Department of Jobs, Precincts and Regions or an inspector, his or her powers under this section except this power of delegation.

S. 30(6)
amended by
Nos 46/1998
s. 7(Sch. 1),
56/2003
s. 11(Sch.
item 10.2),
70/2013
s. 4(Sch. 2
item 30.4),
22/2022 s. 198.

31 Unauthorised removal of stored meat

A person must not, without an inspector's permission remove meat which an inspector has directed to be stored at a particular place at a meat processing facility from that storage place until the meat has been inspected.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units
or 12 months imprisonment or both.

32 Diseased meat

- (1) A person must not, without an inspector's permission, accept for delivery at a meat processing facility—
 - (a) a consumable animal that he or she knows or ought reasonably to have known is suffering from a listed disease or condition; or

(b) a consumable animal that he or she knows or ought reasonably to have known is for any other reason unfit for human consumption.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or 12 months imprisonment or both.

S. 32(2)
repealed by
No. 24/2003
s. 70.

* * * * *

(3) If a person is asked to accept delivery of a consumable animal and would, if he or she accepted delivery, contravene subsection (1), the person must as soon as possible report the request to an inspector.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or 12 months imprisonment or both.

(4) An inspector who receives a report under subsection (3) must as soon as possible advise the Authority about the matter.

(5) As soon as possible after receiving advice under subsection (4) the Authority must report the advice to the Chief Veterinary Officer.

(6) This section does not apply to poultry.

33 Unauthorised alteration of facility

A licensee must not, without the approval of the Authority, make structural alterations or additions to any part of a building used for a meat processing facility.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or 24 months imprisonment or both.

Division 2—Fitness for consumption

34 Ban on sale of certain meat for human consumption

S. 34
substituted by
No. 22/2022
s. 199.

- (1) A person must not sell or dispose of meat (other than poultry meat, game meat or meat to which an exemption Order under section 35 applies) for human consumption unless—
- (a) the meat is from—
 - (i) a consumable animal (other than a consumable animal prescribed for the purposes of section 35(7)) slaughtered at a meat processing facility licensed for that purpose; or
 - (ii) a consumable animal slaughtered at a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (b) the meat has been processed at—
 - (i) a meat processing facility licensed for that purpose; or
 - (ii) a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (c) the meat has been—
 - (i) inspected and branded in accordance with this Act and the regulations; or
 - (ii) certified as fit for human consumption in accordance with the laws of another State or a Territory.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

- (2) A person must not sell or dispose of poultry meat for human consumption unless—
- (a) the poultry has been slaughtered at—
 - (i) a meat processing facility licensed for that purpose; or
 - (ii) a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (b) the meat has been processed at—
 - (i) a meat processing facility licensed for that purpose; or
 - (ii) a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and
 - (c) if brought into Victoria after slaughter or processing, the meat has been certified as fit for human consumption in accordance with the laws of another State or a Territory.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

- (3) A person must not sell game meat for human consumption unless—
- (a) the meat has been processed at—
 - (i) a meat processing facility licensed for that purpose; or
 - (ii) a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and

- (b) if brought into Victoria after processing, the meat has been certified as fit for human consumption in accordance with the laws of another State or a Territory.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

- (4) A person must not dispose of game meat for human consumption unless—

- (a) the meat has been processed at—

- (i) a meat processing facility licensed for that purpose; or
(ii) a meat processing facility that solely processes game not intended for sale; or
(iii) a place licensed or authorised for that purpose in accordance with the laws of another State or a Territory; and

- (b) if brought into Victoria after processing (other than from a place that solely processes game not intended for sale), the meat has been certified as fit for human consumption in accordance with the laws of another State or a Territory.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

35 Ban on sale or slaughter

- (1) Subject to this section, a person must not sell for human consumption meat from an animal that is not a consumable animal.

S. 35(1)
amended by
No. 103/2003
s. 29(1).

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

Meat Industry Act 1993

No. 40 of 1993

Part 5—Duties concerning meat processing facilities

S. 35(2)
amended by
No. 46/2008
s. 280(2).

- (2) After consulting the Minister administering the **Food Act 1984**, the Minister may recommend to the Governor in Council that specified meat or specified classes of meat, or a specified sale or class of sales, be exempted from subsection (1).
- (3) On the Minister's recommendation the Governor in Council, by Order published in the Government Gazette, may grant that exemption.
- (4) An exemption may be granted on any conditions or restrictions that the Governor in Council specifies in the Order.
- (5) A person who sells meat to which an exemption Order applies must comply with any conditions or restrictions in the Order.

Penalty: First offence: 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

S. 35(6)
repealed by
No. 53/2001
s. 6,
new s. 35(6)
inserted by
No. 103/2003
s. 29(2),
amended by
No. 22/2022
s. 200(1).

- (6) A person must not slaughter for human consumption an animal that is not a consumable animal.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or imprisonment for 24 months or both.

S. 35(7)
amended by
No. 22/2022
s. 200(2).

- (7) A person must not slaughter for human consumption a consumable animal prescribed for the purposes of this subsection.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or 24 months imprisonment or both.

36 Ban on sale of meat from knackery

A person must not, for human consumption, sell or dispose of a carcass from a knackery or boiling down works.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units or 24 months imprisonment or both.

37 Ban on sale of pet food for human consumption

A person must not sell for human consumption meat that has been kept or processed at a pet food processing facility.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units or 24 months imprisonment or both.

37A Ban on sale of certain meat at butcher shops

- (1) A person at a butcher shop must not sell any meat that is unfit for human consumption, regardless of whether or not the meat is intended to be consumed by humans.

Penalty: First offence: 100 penalty units.

Subsequent offence: 500 penalty units or 24 months imprisonment or both.

- (2) Subsection (1) does not apply to meat contained in food intended for consumption as pet food if that food—

- (a) has been manufactured, processed, packaged, in a robust, sealed, leak-proof container, and labelled at—

- (i) a pet food processing facility operating in accordance with a licence under this Act; or

S. 37A
inserted by
No. 98/1997
s. 31,
amended by
No. 34/2006
s. 6 (ILA
s. 39B(1)).

S. 37A(2)
inserted by
No. 34/2006
s. 6.

(ii) a similar facility operating in accordance with the laws of another State or a Territory that correspond to the provisions of this Act that apply to a pet food processing facility; and

(b) is sold in an un-opened state for consumption as pet food in the container in which it was originally packaged.

S. 37A(3)
inserted by
No. 34/2006
s. 6.

(3) Subsection (1) does not apply to meat contained in food intended for consumption as pet food if that food—

(a) has been manufactured, processed, packaged, in a robust, sealed, leak-proof container, and labelled in another country; and

S. 37A(3)(b)
amended by
No. 22/2022
s. 201.

(b) has been approved by the Department of Agriculture, Water and the Environment of the Commonwealth for sale for consumption as pet food in Australia; and

(c) is sold in an un-opened state for consumption as pet food in the container in which it was originally packaged.

S. 37B
inserted by
No. 22/2022
s. 202.

37B Ban on sale of certain meat for consumption as pet food

(1) A person must not, for consumption as pet food, sell or dispose of meat processed in Victoria unless—

(a) the meat has been inspected in accordance with this Act and the regulations; and

(b) any procedures that the regulations require to be complied with before the meat can be sold or disposed of have been complied with.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units
or 12 months imprisonment or both.

(2) Subsection (1) does not apply to a person who, for consumption as pet food, disposes of game meat processed at a meat processing facility that solely processes game meat not intended for sale.

(3) A person must not, for consumption as pet food, sell or dispose of meat that has been brought into Victoria unless the meat has been certified as fit for consumption as pet food in accordance with the laws of another State or a Territory.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or imprisonment for 12 months or both.

(4) Subsection (3) does not apply to a person who, for consumption as pet food, disposes of game meat processed outside Victoria at a place that solely processes game meat not intended for sale.

Division 3—Other offences

38 Slaughter at unlicensed premises

(1) A person must not—

S. 38(1)
amended by
No. 40/2019
s. 61(1).

(a) slaughter for human consumption a consumable animal; or

S. 38(1)(a)
amended by
No. 22/2022
s. 203.

(b) dress the carcass of a consumable animal for human consumption; or

(c) process game or poultry—

at a place or vehicle that is not a meat processing facility licensed for that purpose.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or 24 months imprisonment or both.

- (2) This section does not apply to the slaughter of game.
- (3) A person does not commit an offence under subsection (1)(c) if the game is processed at a meat processing facility that solely processes game that is not intended for sale.

S. 38(3)
inserted by
No. 40/2019
s. 61(2).

39 Branding

(1) A person must not supply meat to or remove meat from a meat processing facility unless—

(a) the meat is a carcass or comes from a carcass—

(i) branded in accordance with the regulations as fit for human consumption; or

(ii) certified as fit for human consumption in accordance with the laws of another State or a Territory; or

(b) the meat has in accordance with the requirements of the regulations, been made unusable for human consumption.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units
or 12 months imprisonment or both.

(1A) Subsection (1) does not apply to game meat or poultry meat.

S. 39(1)(a)
substituted by
No. 22/2022
s. 204(1).

S. 39(1A)
inserted by
No. 22/2022
s. 204(2).

(1B) A person must not remove game meat from a game processing facility, other than a field depot or a harvest vehicle, unless—

S. 39(1B)
inserted by
No. 22/2022
s. 204(2).

- (a) the meat is branded in accordance with the regulations as fit for human consumption; or
- (b) the meat is certified as fit for human consumption in accordance with the laws of another State or a Territory; or
- (c) the meat has, in accordance with the requirements of the regulations, been made unusable for human consumption.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units
or 12 months imprisonment or both.

(2) A person must not, without being authorised to do so, by or under this Act—

- (a) manufacture or possess a prescribed brand or a brand that appears to be a prescribed brand; or
- (b) brand meat from a consumable animal; or
- (c) remove or deface a brand on meat from a consumable animal; or
- (d) permit any of the things mentioned in paragraphs (a) to (c).

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units
or 24 months imprisonment or both.

40 Unlicensed facilities

- (1) A person must not operate a meat processing facility of any kind unless the person is licensed to operate that facility.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units or 24 months imprisonment or both.

S. 40(2)
amended by
No. 40/2019
s. 62(1).

- (2) A person must not sell by retail meat for pet food at a place or vehicle that is not a meat processing facility licensed for that purpose.

Penalty: First offence 100 penalty units.

Subsequent offence 500 penalty units or 24 months imprisonment or both.

- (3) Subsection (1) does not apply to the operator of a meat processing facility nominated under section 25(1) or (2) or section 26.

S. 40(3A)
inserted by
No. 40/2019
s. 62(2).

- (3A) A person does not commit an offence under subsection (1) if the meat processing facility solely processes game that is not intended for sale.

- (4) For the purposes of subsection (1), a person must not be taken to be the operator of a meat processing facility if the person—

(a) is the owner of the premises at which the facility is located; and

(b) has granted a lease or licence of those premises as a meat processing facility; and

(c) has no interest in the facility otherwise than as a lessor or licensor of the premises; and

(d) takes no part in the management of the facility.

41 Failure to comply with licence conditions or restrictions

The holder of a licence under this Act must comply with the conditions or restrictions specified in that licence.

Penalty: First offence 50 penalty units.

Subsequent offence 100 penalty units or 12 months imprisonment or both.

42 False information

A person must not, in a document given to the Authority or an inspector under this Act or the regulations, include information that the person knows or ought reasonably to have known is false or misleading in a material respect.

Penalty: 50 Penalty units.

Pt 5A
(Heading and
ss 42A, 42B)
inserted by
No. 98/1997
s. 20.

Part 5A—Meat transport vehicles

S. 42A
inserted by
No. 98/1997
s. 20.

42A Use of unlicensed vehicle

- (1) A person must not—
 - (a) use for the conveyance of any carcass or meat intended for human consumption a vehicle that is required by the regulations to be licensed under the regulations for that purpose; or
 - (b) own a vehicle that is—
 - (i) used for the conveyance of any carcass or meat intended for human consumption; and
 - (ii) required by the regulations to be licensed under the regulations for that purpose—

unless that vehicle is so licensed.

Penalty: For a first offence, 50 penalty units; for a subsequent offence, 100 penalty units.

- (2) For the purposes of this section, a meat transport vehicle in respect of which a licence issued under the regulations has been suspended is to be treated as an unlicensed meat transport vehicle while the licence is suspended.

42B Breach of licence conditions or restrictions

S. 42B
inserted by
No. 98/1997
s. 20.

The holder of a meat transport vehicle licence issued under the regulations must not—

- (a) use for the conveyance of any carcass or meat intended for human consumption a licensed meat transport vehicle in breach of any condition or restriction of the licence; or
- (b) permit or allow a licensed meat transport vehicle to be used for the conveyance of any carcass or meat intended for human consumption in breach of any condition or restriction of the licence.

Penalty: For a first offence, 50 penalty units; for a subsequent offence, 100 penalty units.

Part 6
(Heading)
substituted by
No. 24/2003
s. 63(2).

Part 6—PrimeSafe

Division 1—Administration

43 Establishment of the Authority

S. 43(1)
amended by
No. 24/2003
s. 63(3).

- (1) There is established an Authority to be called PrimeSafe.
- (2) 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; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal of the Authority must be kept as directed by the Authority and must be used only as authorised by the Authority.
- (4) All courts must take judicial notice of the seal of the Authority on any document and must presume that the document was properly sealed.
- (5) The Authority does not represent the Crown.

44 Functions of the Authority

The functions of the Authority are—

- (a) to control and keep under review the standards of meat, poultry meat and game meat produced for consumption or sale within the State; and
- (b) to control and keep under review the standard of the construction and hygiene of plant and equipment in a meat processing facility; and
- (c) to control and keep under review the standards of construction, maintenance, cleanliness and hygiene of meat transport vehicles; and
- (d) to ensure that appropriately qualified persons are authorised as inspectors; and
- (e) to licence meat processing facilities; and
- (f) subject to the Regulations, to determine categories of licences; and
- (g) to approve quality assurance programs and to monitor the implementation of those programs; and
- (ga) in consultation with the Secretary to the Department of Health or a municipal council, to protect public health; and
- (h) to fix and charge fees in respect of the carrying out of any of its functions or the exercise of any of its powers; and
- (ha) to carry out the functions conferred on the Authority by the **Seafood Safety Act 2003** or the regulations made under that Act; and

S. 44(a)
amended by
No. 98/1997
s. 36(a).

S. 44(ga)
inserted by
No. 98/1997
s. 36(b),
amended by
No. 29/2010
s. 64(2).

S. 44(ha)
inserted by
No. 24/2003
s. 71.

S. 44(i)
substituted by
No. 98/1997
s. 36(c).

- (i) to carry out any other function that is conferred on the Authority by this Act or the regulations or by any other Act or the regulations made under any other Act.

45 Powers of the Authority

- (1) The Authority has all the powers necessary to enable it to perform its functions.
- (2) Without limiting its other powers, the Authority may—
 - (a) enter into agreements or arrangements for the provision of services to the Authority or for the provision of services by the Authority; and
 - (b) fix and charge fees for the carrying out of its functions or the provision of its services or the services of inspectors; and
 - (c) expend any part of its funds in carrying out its functions and powers, or in paying remuneration and allowances to its members.
- (3) In addition to its powers under this Act, the Authority has the powers conferred on it by the **Borrowing and Investment Powers Act 1987**.

S. 46
substituted by
No. 53/2001
s. 7.

46 Accountability of Authority

S. 46(1)
amended by
No. 24/2003
s. 72.

- (1) The Authority must exercise its powers and perform its functions under this Act and the **Seafood Safety Act 2003** subject to any specific written directions given by the Minister in relation to a matter or class of matters specified in the directions.
- (2) Where the Authority has been given a written direction under subsection (1), the Authority must publish that direction—

- (a) in the Government Gazette; and
- (b) in the Authority's next report of operations under Part 7 of the **Financial Management Act 1994**.

47 Immunity

- (1) A member of the Authority is not personally liable for anything done or omitted to be done in good faith—
 - (a) in the exercise of a power or discharge of a duty under this Act or the **Seafood Safety Act 2003**; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the **Seafood Safety Act 2003**.
- (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to a member of the Authority attaches instead to the Authority.

S. 47(1)(a)
amended by
No. 24/2003
s. 73.

S. 47(1)(b)
amended by
No. 24/2003
s. 73.

48 Membership of the Authority

- (1) The Authority consists of at least 8 and not more than 10 members appointed by the Minister.
- (2) Of the persons appointed to the Authority—
 - (a) one is to be the chairperson; and
 - (b) two may be appointed after the Minister has taken into account the balance of areas of expertise held by the members of the Authority appointed under paragraph (d);

S. 48(1)
amended by
No. 24/2003
s. 74(1)(a).

S. 48(2)(b)
amended by
Nos 46/1998
s. 7(Sch. 1),
56/2003
s. 11(Sch.
item 10.2),
substituted by
No. 24/2003
s. 74(1)(b).

Meat Industry Act 1993
No. 40 of 1993
Part 6—PrimeSafe

S. 48(2)(c)
amended by
Nos 23/1994
s. 118(Sch. 1
item 36.2),
46/1998
s. 7(Sch. 1),
repealed by
No. 24/2003
s. 74(1)(b).

* * * * *

- (d) seven are to be appointed after the Minister has considered any recommendation of the selection committee and having regard to their expertise in one or more of the following areas—
- (i) livestock production;
 - (ii) quality assurance and management;
 - (iii) poultry production and processing;
 - (iv) meat processing for human consumption;
 - (v) meat processing for other than human consumption;
 - (vi) industrial relations;
 - (vii) accounting;
 - (viii) finance;
 - (ix) business management;

S. 48(2)(d)(ix)
amended by
No. 24/2003
s. 74(2)(a).

- (x) seafood production and processing;

S. 48(2)(d)(x)
inserted by
No. 24/2003
s. 74(2)(b).

- (xi) retailing;

S. 48(2)(d)(xi)
inserted by
No. 24/2003
s. 74(2)(b).

(xii) consumer matters;

S. 48(2)(d)(xii)
inserted by
No. 24/2003
s. 74(2)(b).

(xiii) public health.

S. 48(2)(d)(xiii)
inserted by
No. 24/2003
s. 74(2)(b).

(2A) The Minister must ensure, that of the persons appointed to the Authority under subsection (2), one person must have expertise in the area of public health.

S. 48(2A)
inserted by
No. 24/2003
s. 74(3).

(2B) The Minister, after consulting with the chairperson, is to appoint one of the members of the Authority to be the deputy chairperson.

S. 48(2B)
inserted by
No. 24/2003
s. 74(3).

(3) If the Minister requests the selection committee to make a recommendation for an appointment to the Authority and specifies a period within which the recommendation must be made and the committee does not comply with the request, the Minister may make that appointment without that recommendation.

49 Terms of appointment

(1) A member of the Authority holds office for the period of up to 3 years that is specified in the instrument of appointment and, subject to this Part, on the terms and conditions that are specified in that instrument.

(2) A member is eligible for re-appointment.

S. 49(3)
substituted by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 125.2),
80/2006
s. 26(Sch.
item 63.1).

- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Authority in respect of the office of member.

50 Vacancies

- (1) The office of a member becomes vacant if—
- (a) the member becomes bankrupt; or
 - (b) the member is absent from 3 consecutive meetings of the Authority without the chairperson's leave, or, in the case of the chairperson, without the Minister's leave.
- (2) A member may resign his or her office in writing delivered to the Minister.
- (3) The Minister may suspend for just cause a member from office.
- (4) The Minister may remove a member from office if the member—
- (a) becomes incapable of performing his or her duties; or
 - (b) is negligent in the performance of those duties; or
 - (c) engages in improper conduct; or
 - (d) fails to disclose a pecuniary interest as required by section 56; or
 - (e) is convicted of an offence against this Act or the **Seafood Safety Act 2003** or of an indictable offence.

S. 50(4)(e)
amended by
No. 24/2003
s. 75.

- (5) If the office of a member of the Authority is vacant, or the member has died, resigned or been removed from office, and if there is more than 6 months remaining before the end of the term of that office, the Minister may fill the vacant office in accordance with this Act.
- (6) A member appointed under subsection (5) holds office for the rest of the term of appointment of the member whose place he or she fills.

51 Payment of members

- (1) A member of the Authority who is not a—
 - (a) public sector employee; or
 - (b) a member of staff of a municipal council—is entitled to the remuneration and allowances (if any) fixed by the Minister.
- (2) In this section *public sector employee* has the same meaning as in the **Public Administration Act 2004**.

S. 51
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 24/2003
s. 76.

S. 51(2)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 125.3).

52 Procedure of the Authority

- (1) Meetings of the Authority are to be held at the times and places determined by the Authority.
- (2) The Authority may permit its members to participate in a particular meeting or in all meetings, by telephone, closed-circuit television or other means of communication.
- (3) A member who participates in a meeting under permission under subsection (2) is to be taken to be present at the meeting.
- (4) At a meeting of the Authority the person who must preside is—
 - (a) its chairperson; or

- (b) if the chairperson is absent, the deputy chairperson; or
 - (c) if the chairperson and deputy chairperson are absent, a member elected to preside by the members present at the meeting.
- (5) The decision of the Authority at a meeting is the decision of the majority of votes cast at a meeting at which a quorum is present.
 - (6) The person presiding at a meeting of the Authority has a deliberative vote and also, if the voting is equal, a casting vote.
 - (7) 6 members of the Authority constitute a quorum.
 - (8) The Authority must keep a record of its own proceedings.
 - (9) Subject to this Act, the Authority may regulate its own proceedings.

53 Effect of vacancy or defect

An act or decision of the Authority is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members.

54 Staff

The Authority may engage a chief executive officer and any other officers or employees that are necessary for the performance of its functions and the exercise of its powers.

55 Terms and conditions of staff

- (1) The terms and conditions of appointment or employment of the staff of the Authority are to be those determined by the Authority.

- | | |
|---|---|
| (2) The Authority may, with the approval of the Minister and the consent of the Minister administering any other Government department or public entity, make use of the services of any officer or employee of the public service or of the public entity. | S. 55(2)
amended by
No. 80/2006
s. 26(Sch.
item 63.2). |
| (3) The Minister administering the Government department or public entity from which the services of the officer or employee have been taken may charge the Authority for the use of those services. | S. 55(3)
amended by
No. 80/2006
s. 26(Sch.
item 63.2). |
| * * * * * | S. 55(4)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 125.3),
repealed by
No. 22/2022
s. 205. |

56 Pecuniary interests of chief executive officer and members

- | | |
|--|--|
| (1) The chief executive officer must not, while he or she occupies that position, hold any direct or indirect pecuniary interest in any corporation, business or undertaking which is required to be licensed under this Act or the Seafood Safety Act 2003 .

Penalty: 50 penalty units. | S. 56(1)
amended by
No. 24/2003
s. 77(a). |
| (2) A member who has a pecuniary interest in a matter being considered by or about to be considered by the Authority must, as soon as practical after the relevant facts have come to the member's knowledge, declare the nature of that interest at a meeting of the Authority.

Penalty: 50 penalty units. | |

S. 56(3)
amended by
No. 24/2003
s. 77(b).

- (3) Subsection (2) does not apply in the case of a member engaged in the meat industry or seafood industry if the interest is no greater than that of any other person so engaged.
- (4) The chairperson of a meeting at which a declaration is made under this section must cause a record of the declaration to be made in the minutes of the meeting.
- (5) Unless the Authority otherwise resolves, a member who has made a declaration under subsection (2) must not be present during any deliberation with respect to, or vote on, the matter in respect of which the declaration is made.

Penalty: 50 penalty units.

57 Confidentiality

S. 57(1)
amended by
No. 24/2003
s. 78.

- (1) Subject to subsection (3), a person who is, or has been a member, officer or employee of the Authority, or an inspector must not directly or indirectly, except in the performance of duties or exercise of powers under this Act or the **Seafood Safety Act 2003**, make a record of, or divulge to any person, any information with respect to the affairs of another person acquired by the first-mentioned person in the performance of those duties or exercise of those powers.

Penalty: 50 penalty units.

S. 57(2)
amended by
No. 24/2003
s. 78.

- (2) Subject to subsection (5), a person is not, except for the purposes of this Act or the **Seafood Safety Act 2003**, required—
 - (a) to produce in a court a document that has come into his or her possession or under his or her control; or

(b) to divulge to a court any information that has come to his or her notice—

in the performance of duties or exercise of powers under this Act or the **Seafood Safety Act 2003**.

(3) A person may—

(a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged; or

(b) divulge information to a prescribed authority or prescribed person; or

(c) divulge information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.

(4) An authority or person to whom information is divulged under subsection (3), and a person or employee under the control of that authority or person, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act or the **Seafood Safety Act 2003** and had acquired the information in the performance of those duties.

S. 57(4)
amended by
No. 24/2003
s. 78.

(5) If—

(a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or

(b) a person to whom information relates has expressly authorised it to be divulged to a court—

a person may be required—

(c) to produce in the court any document containing the information; or

(d) to divulge the information to the court.

(6) In this section—

court includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

produce includes permit access to.

58 Delegation

S. 58(1)
amended by
No. 24/2003
s. 79.

(1) The Authority may, by instrument under its common seal, delegate to the chief executive officer or an inspector, any of the Authority's functions or powers under this Act or the **Seafood Safety Act 2003**, other than this power of delegation.

S. 58(2)
amended by
No. 24/2003
s. 79.

(2) The chief executive officer may, in writing, delegate to any officer or employee of the Authority, any of the chief executive officer's powers under this Act or the **Seafood Safety Act 2003**, other than this power of delegation.

Pt 6 Div. 2
(Heading)
substituted by
No. 31/1994
s. 4(Sch. 2
item 51.1).

Division 2—Financial

Ss 59–62
repealed by
No. 31/1994
s. 4(Sch. 2
item 51.2).

* * * * *

63 Repayment of advances

- (1) The Authority must pay into the Public Account amounts that the Finance Minister, in consultation with the Treasurer, determines are required to repay advances made by the Finance Minister for the establishment and operation of the Authority, including costs incurred before the establishment of the Authority to ensure that when established it can operate in a fully effective way.
- (2) Payments under subsection (1) must be made in accordance with any other terms and conditions from time to time determined by the Finance Minister in consultation with the Treasurer.
- (3) The Authority must, as and when directed to do so by the Minister, provide a plan for the repayment of advances referred to in subsection (1).
- (4) The Authority must, at least once in each period of 6 months after the commencement of this section and at any other time that the Minister directs it to do so, report in writing to the Minister on its progress in making payments under subsection (1).
- (5) The Minister may direct the Authority to increase fees determined by it under this Act to the extent that the Minister considers necessary to enable the Authority to meet payments under subsection (1).

S. 63(1)
amended by
No. 28/2007
s. 3(Sch.
item 42.2).

S. 63(2)
amended by
No. 28/2007
s. 3(Sch.
item 42.2).

64 Corporate plan

- (1) The Authority must, with its first annual report under this Act, submit to the Minister a corporate plan for the next 5 years containing—
 - (a) an assessment of the operating environment;
and
 - (b) the corporate objectives of the Authority;
and

- (c) the strategies for achieving the corporate objectives; and
 - (d) indicators against which the performance of the Authority can be measured.
- (2) The Authority must with each fifth annual report, submit to the Minister a new corporate plan for the next 5 years containing the matters specified in subsection (1).
- (3) The Authority must seek views and consider any submissions made by the meat industry or the seafood industry in preparing a corporate plan.

S. 64(3)
amended by
No. 24/2003
s. 80.

Division 3—Selection committee

65 Establishment of the committee

- (1) A selection committee is to be established and appointed by the Minister to make nominations for appointment to the Authority.
- (2) The selection committee consists of 5 members of whom—
- (a) one is to be the chairperson of the Authority; and
 - (b) one is to be appointed on the nomination of the State organisation or State division of the organisation that the Minister determines best represents livestock producers; and
 - (c) one is to be appointed on the nomination of the State organisation or State division of the organisation that the Minister determines best represents meat processors engaged in the processing of meat for human consumption and the knackery and pet food industries; and

S. 65(2)
substituted by
No. 24/2003
s. 81(1).

- (d) one is to be appointed on the nomination of the State organisation or State division of the organisation that the Minister determines best represents the poultry processing industry; and
 - (e) one is to be appointed on the nomination of the State organisation or State division of the organisation that the Minister determines best represents the seafood industry."
- (3) The Minister may reject as unsuitable a nomination for appointment under subsection (2) and may call for a further nomination.
 - (4) A person is not eligible to be nominated for appointment under subsection (2) unless he or she has qualifications or experience in the industry which he or she is nominated to represent.
 - (5) A member of the Authority is not eligible to be appointed to a selection committee.
 - (6) The chairperson is to be selected by the committee from among its members.
 - (7) A member of the selection committee—
 - (a) is appointed for the term that is specified in the instrument of appointment; and
 - (b) holds office on the terms and conditions, including payment of allowances, that are determined by the Minister.
 - (8) Subsections (4) and (5) do not apply to the chairperson of the Authority.

S. 65(7)
inserted by
No. 24/2003
s. 81(2).

S. 65(8)
inserted by
No. 24/2003
s. 81(2).

66 Recommendations of a selection committee

- (1) A selection committee must recommend people to fill vacancies in the membership of the Authority under section 48(2)(d).

- (2) The committee must only recommend a person who is eligible to fill that vacancy.
- (3) A member of the committee is not eligible for recommendation by the committee.
- (4) A recommendation must not be made unless all the members of the committee are present when the decision is made.
- (5) A recommendation—
 - (a) must be in writing; and
 - (b) must be given to the Minister in the time requested by the Minister; and
 - (c) must only recommend one person in respect of each vacancy; and
 - (d) must give reasons as to why the person satisfies the criteria for appointment.
- (6) The Minister must consider the recommendations of the selection committee but may reject a recommendation.

67 Procedure

Subject to this Act, a selection committee may regulate its own proceedings.

68 Expenses of the committee

The Authority must meet the expenses reasonably incurred—

- (a) by a member of the committee in performing his or her duties; and
- (b) in convening and conducting meetings of the committee.

69 Dissolution of committee

- (1) The Minister may, at any time—
- (a) remove a committee member from office if the member—
 - (i) becomes incapable of performing his or her duties; or
 - (ii) is negligent in the performance of those duties; or
 - (iii) engages in improper conduct; or
 - (iv) is convicted of an offence against this Act or the **Seafood Safety Act 2003**; or
 - (b) dissolve the committee.
- (2) A member of the committee may resign his or her office by writing delivered to the Minister.
- (3) The office of a member of the committee becomes vacant on the receipt by the Minister of a written notice of withdrawal of the person's nomination by the organisation or organisations which nominated the person for appointment.

S. 69(1)(a)(iv)
amended by
No. 24/2003
s. 82.

Part 7—Enforcement

70 Appointment of inspectors

- (1) The Authority may authorise any appropriately qualified person or class of persons to be inspectors.
- (2) The terms and conditions of authorisation of inspectors are to be those determined by the Authority.
- (3) The Authority may, in writing, revoke the authorisation of an inspector at any time.
- (4) The terms and conditions of authorisation may contain general directions as to how the inspection powers may be exercised.
- (5) An inspector has the powers, functions and duties conferred or imposed by or under this Act, the **Seafood Safety Act 2003** or any other Act.

S. 70(5)
inserted by
No. 98/1997
s. 37,
amended by
No. 24/2003
s. 83.

71 Identification of inspectors

- (1) The Authority must issue an identity card to each inspector authorised under section 70.
- (2) An identity card must contain a photograph of the inspector to whom it is issued.
- (3) An inspector must produce his or her identity card for inspection—
 - (a) before exercising a power under this Act or any other Act; and
 - (b) at any time during the exercise of a power under this Act or any other Act, if asked to do so.

S. 71(1)
amended by
No. 24/2003
s. 84(1).

S. 71(2)
substituted by
No. 24/2003
s. 84(2).

S. 71(3)
inserted by
No. 24/2003
s. 84(2).

Penalty: 20 penalty units.

72 Powers of inspectors

- (1) An inspector may take any action which is necessary to find out whether the provisions of—
- (a) this Act; or
 - (b) the regulations; or
 - (c) a licence issued under this Act or the regulations; or
 - (d) a quality assurance program—
- are being complied with.

- (2) For the purposes of subsection (1) an inspector may—

- (a) enter and search any meat processing facility; and

S. 72(2)(a)
substituted by
No. 40/2019
s. 63.

- (ab) enter and search any vehicle; and

S. 72(2)(ab)
inserted by
No. 40/2019
s. 63.

- (b) at any reasonable time and by any reasonable means enter—

S. 72(2)(b)
amended by
No. 98/1997
s. 38,
substituted by
No. 40/2019
s. 63.

- (i) any place not occupied as a place of residence at which the inspector reasonably believes that meat is being processed or sold; and

- (ii) any place which the inspector reasonably believes is or may be used or is intended to be used in connection with the slaughter of animals; and

- (c) search any equipment, machinery, implements, enclosures, animals or goods in or on the facility, vehicle or place; and

S. 72(2)(c)
substituted by
No. 40/2019
s. 63.

- (d) require any moving vehicle to be stopped; and

- (e) ask questions; and
 - (f) request a person to give his or her name and residential address; and
 - (g) examine, take samples from, seize, detain, treat or dispose of any meat; and
 - (h) take samples from any animal for testing; and
 - (i) seize, examine or take copies or extracts from documents; and
 - (j) brand or direct the branding of any meat; and
 - (k) colour or direct the colouring of any meat; and
 - (l) condemn any animal or meat; and
 - (m) direct that any condemned meat be treated in a boiling down works; and
 - (n) prohibit the slaughter of any animal if the animal is unsuitable for slaughter.
- (3) When exercising his or her powers under this Act an inspector may use any assistance (including the assistance of any police officer) which he or she requires.

S. 72(3)
amended by
No. 37/2014
s. 10(Sch.
item 109.2).

73 Offence to obstruct an inspector

- (1) A person must not obstruct, threaten or intimidate an inspector who is exercising his or her powers under this Act or the regulations or a person who is assisting an inspector in the exercise of his or her powers under this Act or the regulations.

Penalty: 20 penalty units.

- (2) A person must not, without lawful excuse, fail to comply with a prohibition, direction or request of an inspector.

Penalty: 20 penalty units.

74 Powers of chief executive officer

- (1) The chief executive officer has all the powers of an inspector under this Act and the regulations.
- (2) The chief executive officer may, by notice in writing—
- (a) direct the owner, operator, licensee or manager of a meat processing facility to remove any animals or meat from the facility; or
 - (b) prohibit the owner, operator, licensee or manager of a meat processing facility from using the facility for a specified purpose; or
 - (c) prohibit the owner, operator or licensee of a vehicle from using, or allowing the use of, the vehicle as a meat transport vehicle; or
 - (d) prohibit a person from using, or allowing the use of, meat transport vehicles.
- (3) The chief executive officer may only issue the notice if he or she—
- (a) has considered a report from an inspector on the subject matter of the notice; and
 - (b) considers it appropriate to issue the notice in the interests of public health.
- (4) Subsections (2)(c) and (d)—
- (a) apply regardless of whether or not any vehicle that a prohibition applies to is licensed under this Act or any other Act; but
 - (b) only apply to the use of a vehicle as a meat transport vehicle in circumstances in which the regulations require the vehicle to be licensed for that purpose.
- (5) A notice takes effect on being served on the person to whom it is directed.

S. 74(2)
substituted by
No. 98/1997
s. 21.

S. 74(3)
substituted by
No. 98/1997
s. 21.

S. 74(4)
substituted by
No. 98/1997
s. 21.

S. 74(5)
substituted by
No. 98/1997
s. 21.

S. 74(6)
inserted by
No. 98/1997
s. 21.

- (6) A person to whom a notice is directed must comply with the notice.

Penalty: 50 penalty units.

S. 74(7)
inserted by
No. 98/1997
s. 21.

- (7) The chief executive officer may specify in the notice that it is to cease to apply if one or more specified conditions are met.

S. 74(8)
inserted by
No. 98/1997
s. 21.

- (8) The chief executive officer may amend or revoke a notice ("the earlier notice") at any time by serving written notice of the amendment or revocation on the person to whom the earlier notice was directed (or on any agent or successor of that person).

S. 74A
inserted by
No. 98/1997
s. 22.

74A Chief executive officer may obtain enforcement order

The chief executive officer may apply to the Supreme Court for an order against any person who is required to comply with a notice issued under section 74 requiring the person to comply with the notice.

75 Evidence

- (1) In any proceedings evidence of the finding of meat on premises used by a person for the storage of meat for sale or for the sale of meat is evidence and in the absence of evidence to the contrary is proof that the person possessed the meat for sale for human consumption.
- (2) Subsection (1) does not apply to—
- (a) meat which in accordance with the regulations has been made unusable for human consumption; or
 - (b) meat sealed in an airtight container and labelled as pet food.

76 Proceedings

Proceedings under this Act may be instituted or conducted by the Chairperson of the Authority or a person authorised in writing by the Chairperson either generally or in any particular case.

77 Service of documents

- (1) A document required or authorised to be served by this Act or the regulations may be served—
- (a) by personal service; or
 - (b) by registered post or certified mail; or
 - (c) if required or authorised to be served on the manager of a meat processing facility, by personal service on a person apparently in charge of the facility; or
 - (d) if required or authorised to be served on the owner or manager of a meat processing facility, by being left at the facility; or; or
 - (da) if required or authorised to be served on the owner, operator or licensee of a vehicle, by being served on any person driving, or apparently in charge of, that vehicle; or
 - (e) in any other prescribed way.
- (2) This section is in addition to and does not take away from any Act or law allowing another method of service.

S. 77(1)(d)
amended by
No. 98/1997
s. 23.

S. 77(1)(da)
inserted by
No. 98/1997
s. 23.

Part 8—Regulations

78 Regulations

- (1) The Governor in Council may make regulations under this Act for or with respect to—
 - (a) the construction or maintenance of, or facilities at, meat processing facilities; and
 - (b) the inspection of meat processing facilities or equipment, machinery, implements, enclosures, animals or goods connected with meat processing facilities; and
 - (c) the powers, duties and procedures of inspectors; and
 - (d) courses of study and practical training to be undertaken by inspectors or by persons applying to become inspectors; and
 - (e) standards and procedures to be complied with by licensees, operators and managers of meat processing facilities including, but not limited to, standards and procedures as to storage, maintenance, hygiene, cleanliness, working conditions and processes which may or may not be used; and
 - (f) the maximum throughput of animals for slaughter in a meat processing facility; and
 - (g) methods of dealing with and transporting meat; and
 - (h) the licensing of meat transport vehicles, including, but not limited to—
 - (i) fees for licensing; and
 - (ii) suspension or revocation of licences; and

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Part 8—Regulations

- | | |
|---|---|
| (iii) the period for which a licence may be issued; and | S. 78(1)(h)(iii) substituted by No. 98/1997 s. 24(1). |
| (iiia) the conditions or restrictions on a licence and the variation or revocation of any of those conditions or restrictions; and | S. 78(1)(h)(iiia) inserted by No. 98/1997 s. 24(1). |
| (iiib) renewal of licences; and | S. 78(1)(h)(iiib) inserted by No. 98/1997 s. 24(1). |
| (iv) duties of licensees; and | |
| (v) standards to be complied with by owners or operators of meat transport vehicles for construction, maintenance, hygiene and cleanliness; and | |
| (vi) appeals; and; and | S. 78(1)(h)(vi) amended by No. 98/1997 s. 24(2). |
| (vii) requiring licensees to have programs in the nature of a quality assurance program and to comply with such a program; and | S. 78(1)(h)(vii) inserted by No. 98/1997 s. 24(2). |
| (viii) providing for the approval by the Authority of programs in the nature of a quality assurance program; and | S. 78(1)(h)(viii) inserted by No. 98/1997 s. 24(2). |
| (i) the branding, grading, certification, labelling or colouring of meat; and | |
| (j) the registration of brands, marks, stamps or labels in relation to meat; and | |
| (k) prohibiting, regulating, dealing with, selling, using or disposing of diseased or other animals or meat; and | |

- (l) stopping temporarily the processing or sale of meat where there is a potential danger to public health owing to uncleanliness or to the presence of infection on or about the premises where the processing or sale is carried on; and
 - (m) methods of dealing with meat for export; and
 - (n) the licensing of meat processing facilities, including conditions on licences and records to be kept by licensees; and
 - (o) forms for the purposes of this Act; and
 - (p) prescribing penalties not exceeding 10 penalty units for any contravention or failure to comply with the regulations; and
 - (q) generally prescribing any matter or thing which is required or permitted to be prescribed by this Act or necessary or convenient to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time place or circumstance; and
 - (c) may confer discretions or powers or impose duties on the Authority, the chief executive officer, a member of the Authority or an inspector; and
 - (d) in the case of fees under subsection (1)(h) may provide for all or any of the following—
 - (i) specific fees; or
 - (ii) maximum or minimum fees; or

- (iii) differential fees; or
- (iv) fees to be fixed and collected by the Authority;
- (e) may leave anything to the approval or satisfaction of a specified person; and
- (f) may apply, adopt or incorporate any matter contained in any prescribed food standard within the meaning of the **Food Act 1984**, or any document, code, standard or rule made whether—
 - (i) wholly or partially as amended by the regulations; or
 - (ii) at the time the regulations are made or at any earlier time; or
 - (iii) as made from time to time.
- (3) Regulations made under this Act may be disallowed in whole or part by resolution of either House of the Parliament.

S. 78(3)
amended by
No. 78/2010
s. 24(Sch. 1
item 19).

Part 9—Amendments, repeals and transitional provisions

Pt 9 Div. 1
(Heading and
ss 79–83)
repealed by
No. 98/1997
s. 39.

* * * * *

Division 2—Transitional provisions

S. 84
repealed by
No. 98/1997
s. 39.

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85 Certain matters to have continuing effect

- (1) An instrument, document, exemption, approval, direction, requirement, prohibition, permission, order, arrangement or application having effect under the **Abattoir and Meat Inspection Act 1973** or the **Poultry Processing Act 1968** and capable of having effect under this Act continue as if made under this Act and may be amended or revoked accordingly.
- (2) This Act applies to anything continued by subsection (1) as if—
 - (a) a reference to the Victorian Abattoir and Meat Inspection Authority were a reference to the Authority;
 - (b) a reference to the Director-General were a reference to the Secretary;
 - (c) a reference to the Chief Inspector or a Senior Inspector were a reference to the Chief Executive Officer of the Authority;

- (d) a reference to a particular provision of the **Abattoir and Meat Inspection Act 1973** or the **Poultry Processing Act 1968** were a reference to the corresponding provision of this Act;
 - (e) a reference to the **Abattoir and Meat Inspection Act 1973** or the **Poultry Processing Act 1968** were a reference to this Act;
 - (f) a reference to a meat establishment, pet food establishment, knackery or retail pet meat shop were a reference to the corresponding kind of meat processing facility.
- (3) This section does not apply to—
- (a) a licence or licence application under the **Abattoir and Meat Inspection Act 1973**; or
 - (b) a registration or registration application under the **Poultry Processing Act 1968**; or
 - (c) an appeal to the Minister or proceedings before a court under either of those Acts; or
 - (d) a regulation under either of those Acts.

86 Licences and registrations

- (1) A licence in force under the **Abattoir and Meat Inspection Act 1973** immediately before the commencement of this section continues as if granted under this Act for the balance of the licence period and may be renewed, revoked or suspended accordingly.
- (2) A registration under the **Poultry Processing Act 1968** in force immediately before the commencement of this section must, on the commencement of this section, be taken to be a licence granted under this Act for a period of 3 years commencing on the commencement of this section on the same terms and conditions as

applied to the registration, and that licence may be renewed, revoked or suspended under this Act accordingly.

- (3) Without limiting any other power to revoke a licence, the Authority may serve on the licensee notice of cancellation of a licence referred to in subsection (1) or (2) in order to enable a new licence to be issued under this Act.
- (4) A licence referred to in subsection (1) or (2) is revoked by force of this section on the 14th day after the date of service on the licensee of notice under subsection (3).
- (5) An application for a licence under the **Abattoir and Meat Inspection Act 1973** or an application for registration under the **Poultry Processing Act 1968**, being an application not determined immediately before the commencement of this section must, on the commencement of this section, be taken to be an application for a licence or licence renewal under this Act (as the case requires).
- (6) On the commencement of this section a reference in a document to which this section applies—
 - (a) to the **Abattoir and Meat Inspection Act 1973** or the **Poultry Processing Act 1968** must be taken to be a reference to this Act;
 - (b) to the Victorian Abattoir and Meat Inspection Authority must be taken to be a reference to the Authority;
 - (c) to the Minister (if the reference relates to registration or applications for registration under the **Poultry Processing Act 1968**) must be taken to be a reference to the Authority in relation to a licence or application for a licence;

(d) to plant (if the reference relates to poultry), a meat establishment, a pet food establishment, a retail pet meat shop or a knackery must be taken to be a reference to a meat processing facility of the corresponding kind.

(7) This section applies to a suspended licence or registration in the same way as to any other licence or registration as if the Authority had suspended the licence or registration.

87 Abolition of VAMIA

- (1) In this section **VAMIA** means the Victorian Abattoir and Meat Inspection Authority.
- (2) On the commencement of this section VAMIA is abolished and its members go out of office.
- (3) The Authority is the successor in law of VAMIA.
- (4) Without limiting subsection (3) the assets, rights, liabilities and obligations of VAMIA become assets, rights, liabilities and obligations of the Authority.

88 Appeals

- (1) Section 31 of the **Abattoir and Meat Inspection Act 1973** continues to apply to an appeal pending or not finally determined under that Act before the commencement of this section.
- (2) Section 12 of the **Poultry Processing Act 1968** continues to apply to an appeal pending or not finally determined under that Act before the commencement of this section.
- (3) The Authority or an inspector (as the case requires) must do everything necessary to give effect under this Act to the determination of an appeal to which subsection (1) or (2) applies.

89 Continuation of superannuation entitlements

Despite the repeal of the **Abattoir and Meat Inspection (Arrangements) Act 1987**, section 7 of that Act continues to apply to a person who made an election under section 7(1) of that Act.

90 Interpretation of Legislation Act not affected

Sections 85 to 89 do not affect or take away from the operation of the **Interpretation of Legislation Act 1984**.

91 Termination of reference of inspection powers to Commonwealth

- (1) The Minister must ensure that notice is given as soon as possible after the commencement of this section that the State is to cease to be a party to the arrangement dated 28th March 1988 under the **Abattoir and Meat Inspection (Arrangements) Act 1987**.
- (2) The Minister must recommend to the Governor in Council the making of a proclamation under section 4(2) of the **Abattoir and Meat Inspection (Arrangements) Act 1987** fixing the date on which section 4 of that Act ceases to be in force, being the date of expiry of the period of 3 months from the date on which notice is given in accordance with subsection (1).

92 References

In—

- (a) an Act; or
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
- (c) any document whatever—

in relation to any period occurring on or after the commencement of this section and, unless inconsistent with the context or subject-matter, a reference in Column 1 of the Table below must be taken to be the reference listed opposite it in Column 2.

References

Column 1	Column 2
Abattoir and Meat Inspection Act 1973	Meat Industry Act 1993
Poultry Processing Act 1968	Meat Industry Act 1993
meat inspector	inspector under the Meat Industry Act 1993
chief inspector	Chief Executive of the Authority
Victorian Abattoir and Meat Inspection Authority	Victorian Meat Authority
meat establishment	meat processing facility
pet food establishment	meat processing facility as described in paragraph (b) of the definition of that term.

93 Transitional—change of membership of selection committee

- (1) The selection committee established under section 65 is deemed to be the same body despite the change to its membership made by section 81 of the **Seafood Safety Act 2003**.
- (2) On the commencement of section 81 of the **Seafood Safety Act 2003** all the members of the selection committee cease to hold office.

S. 93
inserted by
No. 24/2003
s. 85.

S. 94
inserted by
No. 24/2003
s. 86.

94 Effect of change of name and membership of Authority

- (1) PrimeSafe is the same body as the Victorian Meat Authority, despite the change to its name made by section 63 of the **Seafood Safety Act 2003** and no act, matter or thing is to be affected because of that change of name.
- (2) On and from the commencement of section 63 of the **Seafood Safety Act 2003**, in any Act or in any other document of any kind, a reference to the Victorian Meat Authority is deemed to be a reference to PrimeSafe, unless the contrary intention appears.
- (3) The Authority established under section 48 is deemed to be the same body despite the change to its membership made by section 74(1) of the **Seafood Safety Act 2003** and no act, matter or thing is to be affected because of that change of membership.

Schedules

Schedule 1—Listed diseases and conditions of consumable animals excluding poultry

Tuberculosis
Actinomycosis
Actinobacillosis
Necrobacillosis
Listeriosis
Brucellosis
Anaplasmosis
Babesiosis
Leptospirosis
Melioidosis
Footrot
Caseous Lymphadenitis
Erysipelas
Blackleg
Johne's Disease
Bovine Contagious pleuro-pneumonia
Anthrax
Mucosal Disease
Malignant Bovine Catarrh
Salmonellosis
Pasteurellosis
Infectious pneumonia of swine
Neoplasms
Arthritis

Meat Industry Act 1993

No. 40 of 1993

Schedule 1—Listed diseases and conditions of consumable animals
excluding poultry

Osteoporosis

Mastitis

Metritis

Peritonitis

Pericarditis

Pleurisy

Pneumonia

Cysticercosis including *Cysticercus bovis*, *Cysticercus cellulosae* *Echinococcus granulosus*, *Cysticercus ovis*, *Cysticercus tenuicollis*

Sparganosis

Sarcosporidiosis

Liver fluke

Stephanurus dentatus

Onchocerca Gibsoni

Trichinosis

Immaturity

Emaciation

Cachexia

Pigmentation

Odours

Skin conditions

Injuries

Abscesses

Wounds

Biological residues

Anaemia

Icterus

Meat Industry Act 1993
No. 40 of 1993
Schedule 1—Listed diseases and conditions of consumable animals
excluding poultry

Oedema

Degenerations

Infiltrations

* * * * *

**Sch. 2
repealed by
No. 98/1997
s. 39.**

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 8 April 1993

Legislative Council: 29 April 1993

The long title for the Bill for this Act was "A Bill to provide for a system of inspection and licensing in the meat industry, to establish standards for facilities and processes used in that industry, to enable the regulation of meat transport vehicles, to establish the Victorian Meat Authority, to repeal the **Abattoir and Meat Inspection Act 1973**, the **Poultry Processing Act 1968** and the **Abattoir and Meat Inspection (Arrangements) Act 1987** to repeal or amend various other Acts and for other purposes."

The **Meat Industry Act 1993** was assented to on 1 June 1993 and came into operation as follows:

Part 1 (sections 1–5) on 1 June 1993; section 84 on 24 June 1993; Part 2 (*except* section 6); Parts 3, 4; Part 5 (*except* sections 31, 32, 34(1)(3), 39); Parts 6–8; Part 9 (*except* sections 81, 84, 91); Schedules 1, 2 on 30 June 1993: Government Gazette 24 June 1993 page 1596; section 34(1) on 15 July 1993: Government Gazette 15 July 1993 page 1869; section 91 on 24 March 1994: Government Gazette 24 March 1994 page 725; rest of Act on 1 July 1994: Government Gazette 23 June 1994 page 1671.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication incorporates amendments made to the **Meat Industry Act 1993** by Acts and subordinate instruments.

Medical Practice Act 1994, No. 23/1994

Assent Date: 17.5.94
Commencement Date: Ss 1, 2 on 17.5.94; rest of Act on 1.7.94: Government Gazette 23.6.94 p. 1672
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: Ss 1, 2 on 31.5.95; s. 3, Sch. 1 (*except* item 60) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**; s. 4, Sch. 2 on 1.1.95: Government Gazette 28.7.94 p. 2055; Sch. 1 item 60 was never proclaimed, repealed by No. 75/1994 s. 13
Current State: All of Act in operation

Livestock Disease Control Act 1994, No. 115/1994

Assent Date: 20.12.94
Commencement Date: S. 142(Sch. 2 item 5 (4.1, 4.2)) on 20.12.95: s. 2(3)
Current State: This information relates only to the provisions amending the **Meat Industry Act 1993**

Food (Amendment) Act 1997, No. 98/1997

Assent Date: 16.12.97
Commencement Date: Pt 3 (ss 19–24), ss 36–39 on 16.12.97: s. 2(1); Pt 4 (ss 25–31) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 58) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

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Agriculture Legislation (Amendment) Act 2001, No. 53/2001

Assent Date: 2.10.01
Commencement Date: Ss 3–5, 7 on 3.10.01: s. 2(1); s. 6 on 1.12.02: s. 2(3)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001

Assent Date: 7.11.01
Commencement Date: S. 3(Sch. item 10) on 20.12.01: Government Gazette 20.12.01 p. 3127
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Auction (Sales) Act 2001, No. 84/2001

Assent Date: 11.12.01
Commencement Date: S. 8 on 1.1.03: s. 2(4)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Seafood Safety Act 2003, No. 24/2003

Assent Date: 13.5.03
Commencement Date: Ss 74(2), 81, 85 on 14.5.03: s. 2(1); ss 62, 63, 64(1)–(4), (6), 65–73, 74(1)(3), 75–80, 82–84, 86 on 1.7.03: Government Gazette 26.6.03 p. 1548; s. 64(5) on 1.1.04: Government Gazette 13.11.03 p. 2840
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Fisheries (Amendment) Act 2003, No. 56/2003

Assent Date: 16.06.03
Commencement Date: S. 11(Sch. items 10.1, 10.2) on 17.6.03: s. 2
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Animals Legislation (Animal Welfare) Act 2003, No. 103/2003

Assent Date: 9.12.03
Commencement Date: S. 29 on 10.12.03: s. 2(1)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 125) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Health Professions Registration Act 2005, No. 97/2005

Assent Date: 7.12.05
Commencement Date: S. 182(Sch. 4 item 35) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

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Primary Industries Acts (Miscellaneous Amendments) Act 2006, No. 34/2006

Assent Date: 13.6.06
Commencement Date: S. 6 on 14.6.06: s. 2
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 63) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Statute Law Revision Act 2007, No. 28/2007

Assent Date: 26.6.07
Commencement Date: S. 3(Sch. item 42) on 27.6.07: s. 2(1)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 40) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Public Health and Wellbeing Act 2008, No. 46/2008

Assent Date: 2.9.08
Commencement Date: S. 280 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Statute Law Amendment (National Health Practitioner Regulation) Act 2010, No. 13/2010

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 36) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 64 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Subordinate Legislation Amendment Act 2010, No. 78/2010

Assent Date: 19.10.10
Commencement Date: S. 24(Sch. 1 item 19) on 1.1.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 4(Sch. 2 item 30) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Meat Industry Act 1993**

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**Victoria Police Amendment (Consequential and Other Matters) Act 2014,
No. 37/2014**

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 109) on 1.7.14: Special Gazette
(No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s
amending the **Meat Industry Act 1993**

Primary Industries Legislation Amendment Act 2019, No. 40/2019

Assent Date: 6.11.19
Commencement Date: Ss 60–63 on 17.12.19: Special Gazette (No. 537)
17.12.19 p. 2
Current State: This information relates only to the provision/s
amending the **Meat Industry Act 1993**

Agriculture Legislation Amendment Act 2022, No. 22/2022

Assent Date: 15.6.22
Commencement Date: Ss 196–205 on 1.1.23: Special Gazette (No. 506)
27.9.22 p. 1
Current State: This information relates only to the provision/s
amending the **Meat Industry Act 1993**

3 Explanatory details

No entries at date of publication.