

SLAUGHTER AND MEAT SUPPLY BILL 2014

SAMOA

Explanatory Memorandum

Introduction

The Bill proposes to regulate livestock slaughtering and meat distribution for domestic supply and for related purposes.

The objective of the Bill is to promote the agriculture industry in Samoa through an efficient, effective and appropriate livestock slaughter, meat inspection and meat distribution system providing consumers with safe and wholesome locally produced meat and meat products while recognising the following principles:

- (a) the right of the consumer to purchase inspected meat;
- (b) the responsibility of producers and processors of meat products to provide a safe and wholesome product;
- (c) that slaughter be conducted in a humane manner;
- (d) that Government provides a responsive, effective, fair, timely and efficient administrative and regulatory system, recognising that whenever practical, it is essential to promote the purpose of the Bill primarily through non-regulatory means such as co-operation, communication, education and partnerships.

Clauses:

PART I - PRELIMINARY

Clause 1: - provides the short title and commencement provisions.

- Clause 2:** - provides definitions of terms.
- Clause 3:** - sets out the purpose of the proposed Act.
- Clause 4:** - provides that the Act binds the Government and its application to meat under the Export of Meat Act 1997.

PART II - ADMINISTRATION

- Clause 5:** - provides for the responsibility of the Competent Authority.
- Clause 6:** - empowers the Chief Executive Officer to appoint authorised officers.
- Clause 7:** - sets out the duties of authorised officers.
- Clause 8:** - sets out the powers of authorised officers.
- Clause 9:** - empowers authorised officers to arrest any person committing an offence.
- Clause 10:** - obligates authorised officers to report offences to the head of the Animal Production Health Division.
- Clause 11:** - establishes the Meat Advisory Committee, and sets out its functions.
- Clause 12:** - empowers the Minister to delegate the powers of the Competent Authority to the Principal Veterinary Officer.

PART III - APPROVED ESTABLISHMENTS

- Clause 13:** - obligates the Competent Authority to ensure that slaughtering facilities are available to livestock producers.
- Clause 14:** - allows for the Principal veterinary officer or an authorised veterinary officer to exempt a person from clauses 19, 20 and 22 to 26. It also empowers the Principal Veterinary Officer or a veterinary officer to impose any conditions. Furthermore, any meat being the subject of exemption must not be sold for human consumption and must not be used for the production of meat products for sale for human consumption.

- Clause 15:** - empowers the Competent Authority to approve premises for slaughterhouses and mobile slaughter units, if the Competent Authority is satisfied with the conditions of the premises and reports on the premises.
- Clause 16:** - provides for applications and processing of applications.
- Clause 17:** - provides for inspection of an establishment that is the subject of an application.
- Clause 18:** - provides that one (1) principal slaughterhouse is to be in Upolu and additional ones to be approved by the Competent Authority.
- Clause 19:** - obligates operators of approved slaughterhouses to provide non-discriminatory services, and other slaughtering services to the public at all times, except during temporary closures, public holiday periods and Sundays.
- Clause 20:** - provides for the responsibilities of operators of approved establishments and Competent Authority relating to production and distribution of safe and wholesome meat.
- Clause 21:** - empowers the Competent Authority to revoke or suspend approval of any approved establishment, if the requirements of the Act have not been complied with.

PART IV - CONDITIONS FOR SLAUGHTERHOUSE OPERATION AND MEAT SUPPLY

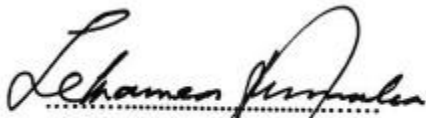
- Clause 22:** - obligates the operator of an approved establishment to provide reasonable notice to the Competent Authority, if the operator of the establishment intends to carry out any procedure which requires

- the presence of any authorised officer at the establishment.
- Clause 23:** - obligates the operator to apply good hygiene practices to ensure the safety and suitability of food and handling of meat.
 - Clause 24:** - obligates the operator of the approved slaughterhouse to keep a record book for recording information of food chain, which is it to be available at all times to be inspected by authorised officers.
 - Clause 25:** - provides that all animals are to be slaughtered in a humane manner.
 - Clause 26:** - prohibits a person from dealing with or selling fresh meat unless certain conditions are met.
 - Clause 27:** - provides for the rules and conditions for health inspections on slaughterhouses and markings on meat.

PART V - MISCELLANEOUS

- Clause 28:** - creates general offences.
- Clause 29:** - creates the offences of assaulting and obstructing an authorised officer.
- Clause 30:** - empowers the Principal Veterinary Officer to compound offences committed by operators.
- Clause 31:** - provides for meat or meat products that fail to comply with the Act to be seized and forfeited by the Ministry.
- Clause 32:** - provides that the operator or the operator's agent is liable for all costs and expenses involved in inspection, examination, testing, seizure, treatment, detention, destruction, trimming and other dealings with regards to meat or meat products. The costs and expenses are recoverable as a debt due to Government.

- Clause 33:** - provides for no compensation for carrying out duties and powers under the proposed Act except for *ex-gratia* payment.
- Clause 34:** - exempts a person from personal liability when carrying out, in good faith, any duty, function or power under the Bill.
- Clause 35:** - empowers the Minister to approve forms, certificates, permits, labels which are issued for the purposes of the Bill.
- Clause 36:** - empowers the Head of State acting on the advice of the Cabinet to make regulations.
- Clause 37:** - provides for transitional matters.
- Schedule:** - Lists the composition of the Meat Advisory Committee.


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(Hon LE MAMEA Ropati)
MINISTER FOR AGRICULTURE AND FISHERIES

SLAUGHTER AND MEAT SUPPLY BILL 2014

SAMOA

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2014, No.

A BILL INTITULED

AN ACT to regulate livestock slaughtering and meat distribution and for related purposes.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART I
PRELIMINARY**

1. Short title and commencement - This Act may be cited as the Slaughter and Meat Supply Act 2014, and commences on a date nominated by the Minister.

2. Interpretation-(1) In this Act, unless the context otherwise requires:

“Act”, in relation to this Act, includes any regulations made under this Act;

“animal” means any domestic animal of the bovine, ovine, caprine, porcine species, and any domestic poultry, the meat of which is intended to be used for human consumption;

“animal identification mark” means:

- (a) the mark, including ear tag or other device, applied to any animal under an enactment; or

- (b) a mark approved under section 27(1) to be applied to any animal before being moved for slaughter to enable the animal to be traced to the place of origin.
- “authorised officer” means a person appointed as such under section 6;
- “approved establishment” means an establishment approved under section 15;
- “carcass” means the whole body of a slaughtered animal after bleeding and dressing;
- “Chief Executive Officer” means the Chief Executive Officer of the Ministry;
- “Competent Authority” or “Authority” means the veterinary service responsible for animal health and veterinary public health under the Ministry;
- “controlled area” means a defined geographical area, premises or class of premises, prescribed by regulations;
- “cut-up” means cut meat into smaller cuts than half or quarter carcasses, cut into wholesale cuts, or de-boned meat;
- “dressing” means the progressive separation of a slaughtered animal into a carcass, offal and inedible by-products, which may include:
- (a) the removal of the head;
 - (b) the removal of the feet at the carpus and tarsus;
 - (c) evisceration;
 - (d) for lactating animals, the removal of the udder; and
 - (e) for bovine animals and small ruminants, flaying.
- “fit for human consumption”, for meat, means meat that has been passed by a meat inspector as safe and wholesome, unless found unwholesome in subsequent examinations, which may include laboratory tests;
- “food chain information” means the prescribed information concerning animals presented for slaughter provided by the owners of animals;
- “food service sector”:
- (a) means any business that prepares and serves food to the final consumer outside the home; and
 - (b) includes hotels, restaurants or takeaways.

- “Hazard Analysis and Critical Control Point Scheme” (HACCP) means a system of hygiene controls recognised by *Codex Alimentarius* established for each individual processing or manufacturing process in the food industry with the aim of controlling possible hazards to consumers’ health at each stage of the production chain;
- “health mark” means a mark made by or under the supervision and responsibility of an authorised officer;
- “livestock” means domestic animals including poultry reared for the purpose of producing edible livestock products and inedible livestock by-products;
- “meat” means:
- (a) all parts of any slaughter animal suitable for human consumption; and
 - (b) includes edible offal.
- “Meat Advisory Committee” or “Committee” means the Meat Advisory Committee established by section 11;
- “meat inspector” means a person appointed as such under section 6;
- “meat product” means meat that has been subjected to a treatment irreversibly modifying its organoleptic and physicochemical characteristics;
- “Minister” means the Minister responsible for Agriculture;
- “Ministry” means the Ministry responsible for Agriculture;
- “mobile slaughter unit” means a vehicle and its associated facilities and equipment designed to permit the hygienic slaughter and dressing of animals and the hygienic transport of meat;
- “police officer” means a sworn member of the Police Service;
- “process” includes the cutting, chopping, comminuting, mixing or tumbling, salting or curing, utilisation of spices or non-meat additives, stuffing or filling into casings or other containers, fermentation and drying, heat treatment, smoking of meat;
- “premises” means places, establishments or buildings where animals are slaughtered and dressed or meat is cut-up, further processed or marketed;

“Principal Veterinary Officer” means the person appointed as such under section 6;

“retail sale” means the sale of meat directly to the final consumer;

“slaughter” means the killing of animals intended for human consumption;

“slaughterhouse” means any establishment or mobile slaughter unit approved under section 15 where animals are slaughtered and dressed for human consumption;

“veterinary officer” means a person appointed as such under section 6.

(2) Any term defined in Food Act 2014 and used in this Act has the same meaning in that Act.

3. Purpose - The purpose of this Act is to support and promote the agriculture industry in Samoa through an efficient, effective and appropriate livestock slaughter, meat inspection and meat distribution system providing consumers with safe and wholesome locally produced meat and meat products while recognising the following principles:

- (a) the right of the consumer to purchase inspected meat;
- (b) the responsibility of producers and processors of meat products to provide a safe and wholesome product;
- (c) that slaughter be conducted in a humane manner;
- (d) that Government provides a responsive, effective, fair, timely and efficient administrative and regulatory system, recognising that whenever practical, it is essential to promote the purpose of this Act primarily through non-regulatory means such as co-operation, communication, education and partnerships.

4. Application - This Act:

- (a) binds the Government; and
- (b) does not apply to meat to be exported under the Export of Meat Act 1997, until that Act is repealed after which this Act applies.

PART II
ADMINISTRATION

5. Responsibility of the Competent Authority - The Competent Authority is responsible for enforcing this Act.

6. Authorised officers-(1) The Chief Executive Officer may, by Warrant of Appointment, appoint the following authorised officers:

- (a) a public servant who is a suitably qualified veterinarian to be Principal Veterinary Officer for a period specified in the instrument of appointment;
- (b) persons who are suitably qualified veterinarians to be veterinary officers to carry out official meat hygiene activities specified by the Competent Authority;
- (c) public servants who are suitably qualified to be meat inspectors.

(2) The power to make appointments in this section, includes the power to impose conditions or to suspend or revoke the appointment.

7. Duties of authorised officers-(1) The duties of authorised officers are:

- (a) to carry out ante-mortem inspection of animals pursuant to the regulations;
- (b) to carry out post-mortem inspection of slaughtered animals as specified in the regulations;
- (c) to carry out the health marking of meat as specified in the regulations;
- (d) to report suspected diseases;
- (e) to submit any report required under this Act or other enactment; and
- (f) to ensure that the requirements of this Act or any other enactment are observed.

(2) The Principal Veterinary Officer is primarily responsible for the actions of other authorised officers.

8. Powers of authorised officers-(1) For the purposes of enforcing this Act, an authorised officer may:

- (a) enter and inspect any approved establishment where animals are being or have been slaughtered, or where meat is being or has been cut up, stored, sold or in any way processed;
- (b) search, inspect, examine, sample or perform any kind of test or examination on any animal, animal product, meat or meat product in any form;
- (c) cut, remove, detain, seize, recall, or destroy any meat or meat product that is unfit for human consumption;
- (d) indelibly or otherwise mark, brand, dye or label any animal, carcass, meat, meat product or package containing any meat or meat product;
- (e) make or impose any order, instruction or condition;
- (f) interrupt, suspend or prohibit actions or operations or completely close unsanitary premises wherever animals are being slaughtered or meat is being cut-up, stored, sold or in any way processed;
- (g) require any person found in or on any premises and whom the authorised officer reasonably suspects to have committed an offence under this Act, to give to the authorised officer the person's name and address and evidence of identity; and
- (h) stop a person, vehicle or any kind of conveyance, and, if necessary, detain the person (subject to Article 6(4) of the Constitution), vehicle or conveyance as is reasonably necessary to enable the authorised officer to carry out a search under this section.

(2) If an authorised officer is in the opinion that any meat or meat product seized is unfit for human consumption, the meat must be destroyed.

(3) If an authorised officer has reasons to suspect that an establishment not approved under this Act is being or has been used to slaughter, or to cut up, store, sell or in any way process meat, the authorised officer may apply to a District Court Judge for a warrant to enter and search the establishment.

(4) For the purpose of subsection (3), the authorised officer may:

- (a) request any assistance from a police officer; or
- (b) take any document, meat or thing relevant to prosecute a person under this Act.

(5) The provisions in the Food Act 2014 relating to taking of samples apply to this Act with necessary modifications.

9. Powers of arrest-(1) If a person is committing an offence against this Act in the presence of an authorised officer, the authorised officer may:

- (a) order that person to stop committing the offence;
- (b) request the person to provide -
 - (i) his or her name by which that person is commonly known, family name or surname, actual place of residence, date of birth and occupation; and
 - (ii) proof of the information provided under subparagraph (i) where it is reasonable to obtain proof; or
- (c) arrest the person without a warrant.

(2) The authorised officer must forthwith deliver the arrested person into the custody of a police officer.

10. Reporting of offences - An authorised officer must report an offence against this Act, directly to the head of the Animal Production Health Division of the Ministry.

11. Meat Advisory Committee-(1) The Meat Advisory Committee is established comprising the members set out in the Schedule who are to be appointed by the Chief Executive Officer.

- (2) The Chief Executive Officer may:
- (a) appoint from amongst the members an independent Chairperson for three (3) years; and
 - (b) co-opt other persons to the Committee for specific purposes as representatives of other stakeholders but have no voting rights.

(3) The members of the Committee (other than members who are employed by the Government or a public body) are entitled to meeting allowances and expenses determined by Cabinet and paid out of the budget of the Ministry.

(4) Officers of the Ministry are entitled to attend meetings to provide the Committee with information about the hygienic slaughter system and to answer member's questions but have no voting rights.

(5) The Assistant Chief Executive Officer for the Animal Production Health Division is the Secretary for the Committee.

(6) The Committee has the following functions:

(a) to advise the Competent Authority on matters pertaining to the meat industry or to carry out any other prescribed functions as required by the Competent Authority;

(b) to provide its advice to the Competent Authority by way of a report after each meeting, including taking into account the requirements of livestock producers, business buying and handling meat (including wholesalers, processors, retailers, and the service sector) and consumers of meat and meat products in its advice; and

(c) to prepare an annual report to the Chief Executive Officer on the state of the meat industry in Samoa.

(7) The following rules apply to a meeting of the Committee:

(a) the Chairperson must convene meetings of the Committee at least once every three (3) months;

(b) the Minister or at least five (5) members may request a meeting of the Committee to be convened by the Chairperson;

(c) the quorum is more than 50% of the members;

(d) the decision of the Committee is the decision of majority of members voting on the matter at the meeting of the Committee.

(8) The Committee may regulate its own procedures.

12. Delegation of powers-(1) The Minister may delegate (“the delegation”) to the Principal Veterinary Officer any of the powers or functions (“delegated powers”) conferred on or assigned to the Competent Authority by this Act.

(2) The Principal Veterinary Officer:

- (a) when carrying out the delegated powers, is subject to the directions of the Competent Authority;
 - (b) subject to any general or special directions given by the Competent Authority, may exercise the delegated powers in the same manner and with the same effect as if they had been directly conferred on the Principal Veterinary Officer by this Act and not by the delegation; and
 - (c) when purporting to act under the delegation, is (in the absence of proof to the contrary) presumed to be acting within the terms of the delegation.
- (3) The delegation:
- (a) may be revoked by the Minister, in whole or in part, but the revocation does not affect anything done under the delegation; and
 - (b) does not prevent the exercise of delegated powers by the Competent Authority.

PART III APPROVED ESTABLISHMENTS

13. Slaughtering facilities - The Competent Authority must ensure that, when it considers necessary, mobile slaughter units and fixed slaughterhouses are made available to livestock producers to enable animals to be slaughtered for human consumption pursuant to this Act.

14. Exempted persons-(1) The Principal Veterinary Officer (or a veterinary officer authorised in that behalf by the Principal Veterinary Officer) may exempt a person from sections 19, 20 and 22 to 26 for the purposes of:

- (a) slaughtering an animal owned by an individual for own consumption if the meat or meat product of the animal will not be sold;

- (b) allowing for the sale and consumption in controlled areas of meat or meat from animals slaughtered outside an approved slaughterhouse when approved slaughterhouse facilities are not available in that part of Samoa;
 - (c) facilitating the humane emergency slaughter for human consumption of casualty animals; or
 - (d) allowing for slaughter of unmanageable animals and the processing and consumption of their products;
- (2) The Principal Veterinary Officer (or a veterinary officer authorised by the Principal Veterinary Officer) may, impose any conditions as he or she considers necessary.
- (3) Any meat being the subject of an exemption under subsection (1)(b), (c) or (d) must not:
- (a) be sold for human consumption unless the animal from which it derives were subjected to ante-mortem inspection and post-mortem inspection, with favourable results, pursuant to the regulations; or
 - (b) be used for the production of meat products for sale for human consumption.

15. Approval of establishments-(1) Subject to section 18, the Competent Authority may, upon application, approve:

- (a) any premises as a slaughterhouse, if the Authority is satisfied that the premises and the method of operation of the premises comply with this Act; or
 - (b) a vehicle, such as a mobile slaughter unit, if the Authority is satisfied that the vehicle, the equipment and the method of operation comply with this Act.
- (2) In determining whether or not to approve an establishment under subsection (1), the Authority must have regard to:
- (a) an inspection report made under section 17(1); and
 - (b) any further representations submitted by the applicant under section 17(3).

(3) The Authority must notify the applicant in writing of the decision on the application for the approval of an establishment under this section and of the reasons for any refusal to approve the establishment.

(4) Any approval of an establishment under this Act must, in the interest of maintaining a sufficient standard of hygiene, be subject to the condition that no alteration must be made to:

(a) the premises or the equipment in the establishment otherwise than by way of repairs and maintenance; or

(b) the method of operation in that establishment, without the prior approval in writing of the Authority who must have regard to any views of the Principal Veterinary Officer.

(5) In approving an establishment under this section, the Authority may impose any terms and conditions as to the services to be provided to the public by the establishment as the Authority considers appropriate.

(6) When an establishment is approved, the Authority must issue to the Principal Veterinary Officer a unique marking and approval number or code for that establishment to be used by the Authority in health certification thereafter if so required.

16. Applications-(1) An application for the approval of an establishment under this Act must:

- (a) be in the approved form;
- (b) be accompanied by the prescribed fee; and
- (c) be made to the Authority.

(2) In assessing the suitability of any meat establishment for approval, the Authority must consult with the Ministry responsible for Environment with regards to compliance with relevant legislation concerning waste management and disposal and the Code of Environmental Practice for Slaughterhouse Development.

17. Inspection of establishment-(1) Before the Competent Authority considers or approves an application, the Authority must refer the application to the Principal Veterinary Officer who must direct a veterinary officer:

- (a) to inspect the establishment named in the application; and
 - (b) to make a report on that establishment.
- (2) If the Principal Veterinary Officer has been notified under subsection (1) of an application for the approval of an establishment, the Principal Veterinary Officer:
- (a) may submit written representations relating to that application to the Competent Authority within 21 days after receiving the notification; and
 - (b) must send a copy of any representations to the applicant.
- (3) Within 21 days after receiving a copy of any representations submitted by the Principal Veterinary Officer under subsection (2), the applicant may submit written observations on the representations to the Authority.

18. Number of approved slaughterhouses-(1) Subject to subsection (2), one (1) principal slaughterhouse for cattle, small ruminants and pigs is to be situated on Upolu.

(2) The Competent Authority may, with the prior approval of Cabinet, approve additional slaughterhouses in a specified part of Samoa if the Authority is satisfied that:

- (a) the throughput of the existing approved slaughterhouse exceeds considerably its capacity;
- (b) adequate approved slaughtering facilities are not available on non-discriminatory terms and conditions for the benefit of livestock producers at all times in a specific region (other than during temporary closures, Sundays and public holidays); or
- (c) there is a need to establish specialised slaughterhouses for livestock species (other than species mentioned in subsection (1)) in particular poultry.

19. Responsibilities of operators - The operator of an approved slaughterhouse must, at all times (other than during temporary closures, Sundays and public holidays) including compliance to meat inspection principles:

- (a) provide to the public on non-discriminatory terms adequate and regular slaughtering services; and
- (b) other prescribed slaughtering services.

20. Operator to share responsibility and to provide facilities and assistance-(1) The meat industry and the Competent Authority are jointly responsible for the production and distribution of safe and wholesome meat.

(2) The employees of the meat industry are to be involved as widely as possible:

- (a) in voluntary quality assurance systems; and
 - (b) in the monitoring and control of meat hygiene,
- with supervision and audit by the Authority to ensure compliance with requirements of safe and wholesome meat.

(3) The operator of an approved establishment must:

- (a) provide the Authority and any authorised officer any assistance as may be required at any time to carry out their duties and powers under this Act; and
- (b) provide for the use of the Authority and any authorised officer any accommodation, facilities for inspection, equipment, protective clothing and safety-wear and other reasonable needs to carry out their duties and powers under this Act.

21. Suspension and revocation of approval-(1) The Competent Authority may suspend or revoke its approval of any approved establishment if:

- (a) after an inspection of, or an inquiry into, the method of operation of the approved establishment and a report by an authorised officer; and
- (b) for revocation of approval, after consultation with the operator,

the Authority is satisfied that, for the establishment:

- (aa) the requirements of this Act are no longer complied with, or have not been complied with and no action has been taken to ensure that a similar breach does not occur in future; or

- (bb) the conditions attached to the approval of that establishment under section 15(4) or (5) have not been observed.
- (2) The Competent Authority must forthwith notify (“notification”) the operator:
 - (a) of the suspension or revocation decision under subsection (1), and the reasons for the suspension or revocation; and
 - (b) of the date on which the suspension or revocation is to take effect.
- (3) The notification:
 - (a) for revocation, must be given in writing; and
 - (b) for suspension may -
 - (i) be given orally (which must be confirmed in writing); or
 - (ii) in writing.
- (4) An approved establishment which has been suspended is to be treated throughout the period of suspension as if approval had not been granted under this Act.
- (5) If the period of suspension does not have an end date, the Competent Authority may, by written notice, fix the end date of the suspension and give the notice to the operator.

PART IV

CONDITIONS FOR SLAUGHTERHOUSE OPERATION AND MEAT SUPPLY

22. Notification to the Authority - The operator of an approved establishment must provide reasonable notice to the Competent Authority of the operator’s intention to carry out any procedure which requires the presence of any authorised officer at that establishment.

23. General hygiene and hygiene process control - The operator must apply:

- (a) all practices regarding the conditions and measures necessary to ensure the safety and suitability of food at all stages of the food chain (Good Hygiene Practices); and

- (b) the HACCP principles for the sequence of slaughter and dressing operations and the subsequent handling of meat to the greatest extent practicable.

24. Record-keeping and traceability-(1) In order to secure traceability along the entire food chain from farm to consumer, the operator of an approved slaughterhouse must:

- (a) collect, at the operator's establishment, food chain information documentation reaching back along the food chain to the primary producer that accompany livestock, as requested by the Competent Authority; and
 - (b) keep record book ("record book") at the establishment in which must be entered daily the following details -
 - (i) quantity, species, sex and animal identification marks of the animals entering the approved establishment;
 - (ii) owner and origin of the animals;
 - (iii) destination of the meat;
 - (iv) quantity of carcasses;
 - (v) date animals enter and meat leaves the approved establishment;
 - (vi) any other matter, as may be prescribed, relating to the type or class of approved establishment.
- (2) The food chain information collected must be made available by the operator to an authorised officer for the officer's professional evaluation of the information data.
- (3) The authorised officer must keep a register and enter in the register the following details:
- (a) records of animals slaughtered and meat and meat produced;
 - (b) origin of livestock and destination of meat;
 - (c) results of inspection;
 - (d) other matter, as the principal veterinary officer considers proper or necessary.

(4) The record book must at all times during working hours be open to inspection by any authorised officer.

(5) The operator of an approved establishment commits an offence who:

(a) without any lawful excuse, fails on any day to make in the record book any entry required to be made under this section; or

(b) knowingly makes a false entry in the record book.

(6) An operator convicted of an offence under subsection (5) is liable to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding two (2) years, or to both.

25. Humane slaughter - All animals must be slaughtered in a humane manner.

26. Conditions for dealing with or selling meat-(1) A person must not deal with or sell fresh meat for human consumption unless the meat:

(a) has been obtained from an approved slaughterhouse from which the meat was derived;

(b) comes from an animal which was accompanied by food chain information set out in the regulations;

(c) has been subjected to an ante-mortem health inspection under the regulations, which, following the inspection, has been passed as fit for slaughter for human consumption;

(d) has been prepared under prescribed hygienic conditions;

(e) comes from the body of an animal which has been subjected to a post-mortem health inspection under the regulations and which has shown no evidence of disease or other abnormal condition that might render the meat unfit for human consumption;

(f) has been given a health mark under the regulations; and

(g) has been transported in prescribed hygienic conditions.

(2) A person must not sell meat products for human consumption unless the meat products have been obtained from meat which fulfils the requirements of subsection (1).

27. Inspection and health marking-(1) The Competent Authority must arrange for ante-mortem health inspections and post-mortem health inspections to be carried out at every slaughterhouse pursuant to the regulations, including approval of mark to be applied to any animal before being moved for slaughter.

(2) The meat must be marked pursuant to the regulations, if fresh meat intended for sale for human consumption:

(a) has been passed fit for human consumption following ante-mortem health inspection and post-mortem health inspection; and

(b) complies with the requirements of this Act.

(3) Any other meat is not required to be marked pursuant to this section.

(4) A person must not remove, or cause or permit to be removed:

(a) from a slaughterhouse, any blood or any carcase or part of a carcase or any offal intended for sale for human consumption; or

(b) any offal from a slaughtered animal intended for sale for human consumption,

until the blood, carcase or offal has been inspected pursuant to this Act.

(5) A person must not use any mark so resembling a health mark, or in such a way, as to be likely to suggest that the product has been produced pursuant to this Act.

PART V MISCELLANEOUS

28. General offences-(1) A person commits an offence who:

(a) contravenes any of the provisions of this Act; or

(b) refuses or wilfully omits to carry out any lawful, order, instruction or condition made, given or

imposed by any authorised officer under this Act.

(2) A person convicted of an offence under subsection (1) is liable:

- (a) to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding two (2) years, or both; and
- (b) if the offence is a continuing one, to a further fine not exceeding 10 penalty units for every day after the first day on which the offence has continued.

29. Offences against authorised officers-(1) A person commits an offence who assaults, delays, obstructs or threatens an authorised officer when carrying out any function, duty or power under this Act.

(2) A person convicted of an offence under subsection (1) is liable:

- (a) to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding two (2) years, or both; and
- (b) if the offence is a continuing one, to a further fine not exceeding 10 penalty units for every day after the first day on which the offence has continued.

30. Compounding of offences-(1) If the Principal Veterinary Officer is satisfied that an operator has committed an offence under section 28 or under any regulations, the Officer may:

- (a) compound the offence, by notice (in the approved form) to the operator; and
- (b) order the operator to pay a sum of money, not exceeding the maximum fine for that offence.

(2) The Principal Veterinary Officer must not exercise the power under subsection (1) unless the operator admits, in writing, committing the offence and requests the Principal Veterinary Officer to deal with the offence under the provisions of this section.

(3) The Principal Veterinary Officer may give the operator an opportunity to make written submission on the fine proposed in the order.

(4) When an order is made under this section:

- (a) the order must be in writing and attached to it the operator's request to the Officer to deal with the matter under this section;
 - (b) the order must set out the offence committed and the penalty imposed;
 - (c) a copy of the order must be given to the operator;
 - (d) the operator is not to be liable to any further proceedings or prosecution in respect of that offence, and if the operator is in custody the operator must be discharged;
 - (e) the order is final and is not subject to appeal; and
 - (f) if the sum of money (or part of it) ordered to be paid is not paid, the Principal Veterinary Officer may send a copy of the order to the District Court which may make an order for its enforcement in the same manner as if the penalty had been imposed by the District Court.
- (5) In this section, "operator" includes the operator's agent.

31. Forfeiture of non-complying meat - Any meat or meat product that fails to comply with this Act may be seized and forfeited to the Ministry or destroyed or otherwise disposed of, or by order of, an authorised officer, including any other meat or meat-products stored with them.

32. Costs of seizure and destruction-(1) The operator of an approved establishment or the operator's agent is liable for all costs and expenses ordered or required under this Act relating to, and attendant upon, any inspection, examination, testing, seizure, treatment, detention, destruction, trimming, disposal or other dealings relating to any animal, animal product, meat or meat product, poultry meat or poultry meat product.

(2) The costs and expenses are recoverable as a debt due to the Government.

33. Compensation not payable-(1) Compensation is not payable for:

- (a) the slaughter, death, loss of production or earnings or devaluation of any animals, or the destruction, condemnation, deterioration or devaluation of any animal product, meat or meat product, poultry meat or poultry meat product consequent to any detention, examination, test, treatment, suspension of operations or other action taken or ordered under this Act; or
- (b) trespass or damage to any property or premises caused by an authorised officer in carrying out the duties and powers under this Act, if due care was taken at all times.

(2) The Competent Authority may authorise *ex-gratia* payment to the owners of animals that have received a favourable result at ante-mortem inspection and the carcass or parts of the carcass are deemed unfit for human consumption at the subsequent post-mortem inspection.

34. Protection from personal liability - A person who carries out any function, duty or power under this Act is not personally liable for any act, done in good faith, relating to the function, duty or power.

35. Forms - The Minister may approve forms, certificates, permits, labels which may be issued under this Act.

36. Regulations - The Head of State, acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make any of the following regulations:

- (a) prescribing general conditions for the approval of establishments and slaughterhouses;
- (b) prescribing special conditions for the approval of slaughterhouses;
- (c) prescribing conditions for the construction and operation of approved establishments and slaughterhouses;

- (d) prescribing the manner of and the devices to be used in the slaughter of animals in approved slaughterhouses;
- (e) prescribing the manner of and the devices to be used in the meat handling and transport beyond the slaughterhouse stage;
- (f) prescribing minimum standards of hygiene of staff, premises and equipment;
- (g) providing for compulsory hygiene process control in slaughter and meat processing operations;
- (h) providing for health marking;
- (i) providing for compulsory ante-mortem health inspection and post-mortem health inspection;
- (j) prescribing minimum standards for slaughter and cutting hygiene;
- (k) prescribing requirements for meat and poultry meat intended for cutting;
- (l) providing for health control of cut meat and stored meat, cut poultry meat and stored poultry meat;
- (m) prescribing conditions for the wrapping and packaging of fresh meat and poultry meat;
- (n) providing for the issue of health certificates for fresh meat;
- (o) prescribing conditions for the storage, transport and export of meat and poultry meat;
- (p) prescribing conditions for the marking, storage, sale and supply of meat in controlled areas not for human consumption;
- (q) prescribing minimum levels of service to be provided to the public by approved establishments;
- (r) prescribing maximum fees to be charged for services provided to the public by approved establishments;
- (s) prescribing fees and charges for the purpose of this Act, subject to the prior approval of the fees and charges by the National Revenue Board established under the Public Finance Management Act 2001;

- (t) declaring any part of Samoa, or any premises or any type or class of premises to be controlled area for purposes of this Act;
- (u) regulating, controlling or banning the slaughter, cutting up, storage or sale of specified animals, types of animal, animal products, meat or meat products, poultry meat or poultry meat products considered to be infected with any disease, treated or exposed to any specified or unspecified drug, chemical, substance or ionizing radiation, or containing or considered to contain any residue of harmful substance;
- (v) prescribing recognised codes of practice to be adopted and for their provisions to be generally or partially applicable in Samoa;
- (w) providing for the introduction and operation of grading schemes;
- (x) providing any matters required to be prescribed under this Act.

37. Transitional-(1) This Act does not apply to:

- (a) beef for retail sale or beef sold to the food service sector before a date to be determined by the Competent Authority which must be no later than three (3) years after the commencement of this Act and when it deems that adequate arrangements are in place throughout Samoa for the slaughter and dressing of cattle; and
- (b) beef produced specifically for community or traditional purposes (including fa'alavelave) before a date to be determined by the Competent Authority.

(2) Following the application of the Act pursuant to subsection (1), any beef produced for community or traditional purposes must not be eligible for retail sale or sale to the food service sector unless it complies with section 23 and has been health marked accordingly.

(3) This Act does not apply to:

- (a) the meat of animals other than cattle for retail sale or sold to the food service sector; or
- (b) the meat of animals other than cattle produced specifically for community or traditional purposes,

before a date or dates to be determined by the Competent Authority.

(4) Subsections (1) and (3) apply to the requirements in section 24(2) for meat used in the production of meat products.

(5) The Competent Authority must publish any date determined under this section by notice published in Samoan and English in the Savali, but the non-publication does not affect the determination.

SCHEDULE
(section 11)

MEMBERS OF THE MEAT ADVISORY COMMITTEE

The Meat Advisory Committee comprises the following members:

- (a) one member from the Cattle Farmers Association (Upolu);
- (b) one member from the Cattle Farmers Association (Savaii);
- (c) one member from the pig producers (Upolu);
- (d) one member from the pig producers (Savaii);
- (e) one member from the sheep industry (Upolu);
- (f) one member from the sheep industry (Savaii);
- (g) one member from the meat processors industry (Upolu);
- (h) one member from the meat processors industry (Savaii);
- (i) one member from the meat retailers group (Upolu);
- (j) one member from the meat retailers group (Savaii);
- (k) one member from the hotel industry (Upolu);
- (l) one member from the hotel industry (Savaii);
- (m) one member from the restaurant industry (Upolu);
- (n) one member from the restaurant industry (Savaii);
- (o) one member from the meat importer industry (Upolu);
- (p) one member from the meat importer industry (Savaii);
- (q) one member from the consumer industry;
- (r) one member from the Ministry of Health;
- (s) one member from the Ministry of Commerce, Industry and Labour;
- (t) one member from the Ministry of Natural Resources and Environment;

- (u) one member from the poultry industry (Upolu);
- (v) one member from the poultry industry (Savaii).
