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c 260 Meat Inspection Act (Ontario)

Ontario

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CHAPTER 260

Meat Inspection Act (Ontario)

1. In this Act,

- (a) "animal" means a domestic animal the meat of which is intended to be used for human consumption, and includes poultry; <sup>Interpre-
tation</sup>
- (b) "Board" means the Agricultural Licensing and Registration Review Board under the *Ministry of Agriculture and Food Act*; <sup>R.S.O. 1980,
c. 270</sup>
- (c) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (d) "establishment" means an establishment operating under the *Meat Inspection Act (Canada)*; <sup>R.S.C. 1970,
c. M-7</sup>
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "meat product" means any product processed or derived in whole or in part from meat and intended to be used as food for human consumption;
- (h) "Minister" means the Minister of Agriculture and Food;
- (i) "plant" means a premises where animals are slaughtered, and includes any portion of the premises in which meat products are produced, processed, handled or stored;
- (j) "poultry" means chickens, ducks, geese, turkeys and other birds;
- (k) "regulations" means the regulations made under this Act;
- (l) "slaughter" means slaughter for the purpose of processing meat into food for human consumption. ^{R.S.O. 1970, c. 266, s. 1; 1971, c. 50, s. 56 (1); 1972, c. 1, s. 1; 1972, c. 81, s. 1; 1978, c. 100, s. 14 (1):}

Slaughtering
of animals

2.—(1) Except as provided in the regulations, no person shall slaughter an animal unless the animal has been inspected by an inspector immediately before the time of slaughter.

Idem

(2) No person shall slaughter an animal, except in the manner and by the devices prescribed in the regulations.

Sale, etc.,
of meat

(3) Except as provided in the regulations, no person shall sell, offer for sale, transport or deliver to any person meat unless,

- (a) the animal from which the meat was obtained was inspected by an inspector as provided in subsection (1);
- (b) the slaughter of the animal took place at a plant that complies with this Act and the regulations, or at an establishment; and
- (c) the meat is stamped with an inspection legend or is labelled, as provided in the regulations. R.S.O. 1970, c. 266, s. 2.

Production,
etc., of meat
products

(4) No person shall engage in the production, processing, handling or storage of a meat product at a plant except in accordance with the regulations. 1972, c. 81, s. 2.

Licensing

3. No person shall engage in the business of operating a plant other than an establishment without a licence therefor from the Director. R.S.O. 1970, c. 266, s. 3 (1).

Licence,
issue

4.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating a plant pursuant to the licence will not be carried on in accordance with law;
- (b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a plant in accordance with this Act and the regulations; or

- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 5, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. 1971, c. 50, s. 56 (3), *part*. Renewal

5.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to renew, suspension or revocation

- (a) the premises, facilities and equipment used in the business of operating a plant pursuant to the licence do not comply with this Act and the regulations;

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating a plant, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder, or of any law applying to the carrying on of the business of operating a plant or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) Notwithstanding subsection (1), the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.

(3) Subject to subsection (2), where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has Continuation of licence pending renewal

received the decision of the Director on his application for renewal. 1971, c. 50, s. 56 (3), *part.*

Notice of hearing

6.—(1) The notice of a hearing by the Director under section 4 or 5 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 56 (3), *part.*

Variation of decision by Director

7. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interest of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. 1971, c. 50, s. 56 (3), *part.*

Appeal to Board

8.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection (1), either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for

such purpose, the Board may substitute its opinion for that of the Director.

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. 1971, c. 50, s. 56 (3), *part*. Effect of decision pending disposal of appeal

9.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. Findings of fact
R.S.O. 1980, c. 484

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. 1971, c. 50, s. 56 (3), *part*. Only members at hearing to participate in decision

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

Record to
be filed
in court

(3) The chairman of the Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. 1971, c. 50, s. 56 (3), *part*.

Inspectors

11.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

Certificate
of appoint-
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. R.S.O. 1970, c. 266, s. 4 (1, 2).

Powers

(3) Subject to subsection (4), for the purpose of carrying out his duties under this Act, the Director or an inspector may enter any premises or building and may inspect the premises or building and any animal or meat therein. R.S.O. 1970, c. 266, s. 4 (3); 1971, c. 50, s. 56 (4).

Power
to enter
dwelling
R.S.O. 1980,
c. 400

(4) Except under the authority of a warrant under section 142 of the *Provincial Offences Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. 1971, c. 50, s. 56 (5).

Obstruction
of Director
or inspector

12. No person shall hinder or obstruct the Director or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. R.S.O. 1970, c. 266, s. 5.

Agreements
with Canada

13. Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada, or any agency thereof, providing for,

- (a) the more efficient carrying out within Ontario of the purpose and intent of this Act;
- (b) the performance by the Government of Canada, on behalf of the Government of Ontario, of functions and services under this Act that are the responsibility of the Government of Ontario; and
- (c) the payment of money required for functions and services performed by the Government of Canada under clause (b). R.S.O. 1970, c. 266, s. 6.

14. Where the provisions of any by-law of a local municipality are in conflict with this Act or the regulations, the provisions of this Act and the regulations prevail. R.S.O. 1970, c. 266, s. 7. Conflict with by-law of local municipality

15.—(1) Every medical officer of health is *ex officio* an inspector under this Act within the area under his jurisdiction. Medical officer of health, *ex officio* inspector

(2) A person appointed by the council of a local municipality or by a health unit as an inspector under the direction of the medical officer of health of the local municipality or health unit, as the case may be, is *ex officio* an inspector under this Act within the area under the jurisdiction of the medical officer of health. R.S.O. 1970, c. 266, s. 8. Municipal inspectors

16. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 266, s. 9. Offences

17. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal thereof;
- (b) prescribing conditions for licensing;
- (c) prescribing the powers and duties of the Director and of inspectors or any class thereof;

- (d) respecting the facilities and equipment to be provided and maintained at plants and the operation of plants;
- (e) respecting cleanliness and sanitation at plants;
- (f) requiring and governing the detention and disposal of any animal or meat thereof and prescribing the procedures therefor;
- (g) requiring and governing the detention and disposal of any meat product at a plant and prescribing the procedures therefor;
- (h) prescribing the manner of, and the devices to be used in, the slaughter of animals;
- (i) respecting the transportation and delivery of meat or meat products from a plant;
- (j) prescribing the records to be made and kept by operators of plants;
- (k) providing for the exemption from the Act or the regulations, or any provision thereof, of any person or class of persons, or of any animal or class of animals and the meat thereof, and prescribing the terms and conditions therefor;
- (l) prescribing the terms and conditions under which animals and meat and meat products may be inspected at any plant and the fees payable for inspections;
- (m) prescribing standards for any class or variety of meat product;
- (n) providing for the taking at a plant of samples of meat or any meat product at the expense of the owner for the purpose of testing;
- (o) providing for the stamping with an inspection legend at a plant of meat that is fit for human consumption;
- (p) providing for the labelling at a plant of meat that is fit for human consumption;
- (q) providing for the labelling at a plant of meat products;
- (r) prescribing forms and providing for their use;

- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 266, s. 10; 1972, c. 81, s. 3.

