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c 112 Dead Animal Disposal Act

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CHAPTER 112

Dead Animal Disposal Act

1. In this Act,

(a) "Board" means the Agricultural Licensing and Registration Review Board under the Ministry of Agriculture and Food Act; R.S.O. 1980, c. 270

(b) "broker" means a person engaged in the business of buying meat obtained from a dead animal and reselling such meat in uncooked form;

(c) "collector" means a person engaged in the business of collecting dead animals;

(d) "dead animal" means the carcass, or any part thereof, of a horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter;

(e) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;

(f) "fallen animal" means a horse, goat, sheep, swine or head of cattle that has been disabled by disease, emaciation or other condition that is likely to cause death;

(g) "inspector" means an inspector appointed under this Act;

(h) "licence" means a licence under this Act;

(i) "Minister" means the Minister of Agriculture and Food;

(j) "receiving plant" means a premises to which dead animals are delivered for the purpose of obtaining the hide, skin, fats, meat or other product of the dead animals or for the purpose of selling or delivering the dead animals or parts thereof to a rendering plant;
(k) “rendering plant” means a premises at which dead animals are processed into hides, meat, bone meal, meat meal or inedible fats;

(l) “slaughter” means slaughter for the purpose of processing into food for human consumption. R.S.O. 1970, c. 105, s. 1; 1971, c. 50, s. 26 (1); 1972, c. 1, s. 1; 1972, c. 60, s. 1; 1978, c. 100, s. 6 (1).

Application

2. This Act does not apply to,

(a) establishments operating under the *Meat Inspection Act* (Canada); and

(b) dead animals while held for post mortem examination, investigation or loss adjustment. R.S.O. 1970, c. 105, s. 2; 1972, c. 60, s. 2.

Responsibility of owner

3.—(1) The owner of a dead animal shall dispose of it within forty-eight hours of its death,

(a) by burying it with a covering of at least two feet of earth; or

(b) by the services of a person licensed as a collector under this Act. 1972, c. 60, s. 3.

Fallen animals

(2) The owner of a fallen animal shall kill it in a humane manner and dispose of it in accordance with subsection (1).

Idem

(3) No person shall move a fallen animal before it has been killed. R.S.O. 1970, c. 105, s. 3 (2, 3).

Slaughter prohibited

4.—(1) No person shall slaughter an animal at a receiving plant or a rendering plant. R.S.O. 1970, c. 105, s. 4 (1).

Collector

(2) No collector shall give, sell or deliver a dead animal to any person other than the holder of a licence as an operator of a receiving plant or a rendering plant under this Act. 1972, c. 60, s. 4.

Processing, selling or storing meats

(3) No person shall process, store, offer for sale or sell meat or products made therefrom for human consumption at a receiving plant or a rendering plant. R.S.O. 1970, c. 105, s. 4 (3).

Prohibition against sale, etc.

(4) No person shall give, sell, offer for sale, process, transport or deliver to any person as food for human
consumption meat obtained from a dead animal. 1976, c. 30, s. 1.

5.—(1) No person shall engage in the business of,

(a) a broker;
(b) a collector;
(c) an operator of a receiving plant; or
(d) an operator of a rendering plant,
without a licence therefor from the Director.

(2) No person shall collect a dead animal unless he is the holder of a licence as a collector. 1972, c. 60, s. 5.

6.—(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 applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business that would be authorized by the licence;

(b) 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 that would be authorized by the licence will not be carried on in accordance with law;

(c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or

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

(2) Subject to section 7, 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. 26 (3), part.

7.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that,
(a) the premises, facilities and equipment used in the business carried on 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 the business carried on pursuant to the licence 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 such business 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 of 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.

(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 renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal. 1971, c. 50, s. 26 (3), part.

8.—(1) The notice of a hearing by the Director under section 6 or 7 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.

(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. 26 (3), part.
9. 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 interests 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. 26 (3), part.

10.—(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.

(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.

(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. 26 (3), part.

11.—(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.

(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 with the Director or the applicant or licensee.
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.

(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.

(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.

(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 persons so present participate in the decision. 1971, c. 50, s. 26 (3), part.

12.—(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.

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

(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.

(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.
(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. 26 (3), part.

13. Every licence is subject to the conditions that the holder of the licence,

(a) maintains in good mechanical and sanitary condition all vehicles, premises and equipment used in the collecting and handling of dead animals and the disposing of the carcasses and parts thereof;

(b) carries on his business in a manner that prevents any relationship between the ownership, management or operation of his business and any business in respect of the slaughtering of animals or the processing or sale of meat for human consumption;

(c) takes all reasonable precautions to prevent the spread of any disease that caused the deaths of the animals; and

(d) complies with this Act and the regulations and any other conditions that are imposed by the regulations. R.S.O. 1970, c. 105, s. 6.

14.—(1) A collector shall make and keep for at least twelve months a record of the dead animals he collects and the disposal thereof as prescribed in the regulations.

(2) An operator of a receiving plant shall make and keep for at least twelve months a record of the dead animals he receives and of the disposal thereof as prescribed in the regulations. R.S.O. 1970, c. 105, s. 7 (1, 2).

(3) An operator of a rendering plant shall make and keep for at least twelve months a record of the dead animals he receives and of the disposal thereof as prescribed in the regulations. R.S.O. 1970, c. 105, s. 7 (3); 1972, c. 60, s. 6 (1).

(4) A broker shall make and keep for at least twelve months a record of all meat obtained from dead animals received by him and of the disposal thereof as prescribed in the regulations. 1972, c. 60, s. 6 (2).

15.—(1) The Minister may appoint a chief inspector and one or more inspectors to carry out and enforce this Act and the regulations.
(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. 105, s. 8 (1, 2).

(3) Subject to subsection (4), the Director or an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter and inspect any building, premises or conveyance,

   (i) that is used in the collecting, transporting or processing of a dead animal or meat obtained therefrom, or

   (ii) in which he believes on reasonable and probable grounds there is a dead animal or meat obtained therefrom;

(b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons licensed under this Act or relating to dead animals or meat obtained therefrom; and

(c) seize, remove and detain any dead animal, or meat obtained therefrom, where he believes on reasonable and probable grounds that there is a violation of this Act or the regulations in respect thereof. 1972, c. 60, s. 7 (1).

(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. 26 (5).

(5) Where the Director or an inspector requires the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.

(6) Where a copy of a book, record, document or extract is made under subsection (5) and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. 1972, c. 60, s. 7 (2).
16. No person shall hinder or obstruct 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. 105, s. 9.

17. 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 and for a subsequent offence to a fine of not more than $5,000 or to imprisonment for a term of not more than six months. R.S.O. 1970, c. 105, s. 10.

18. The Lieutenant Governor in Council may make 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 grounds for the refusal to renew, suspension or revocation of licences in addition to those grounds mentioned in clauses 7 (1) (a) and (b);

(c) prescribing conditions for licensing in addition to those mentioned in section 13;

(d) prescribing the duties of inspectors;

(e) prescribing the manner in which vehicles and premises used in the collecting and handling of dead animals shall be cleaned, disinfected and maintained;

(f) respecting the transportation of dead animals and the products obtained therefrom;

(g) providing for the processing at a receiving plant or a rendering plant of meat obtained from dead animals and for the treatment of the meat for purposes of identification;

(h) providing for the exemption from the regulations, or any part thereof, of any person or group of persons or any class or classes of meat;

(i) respecting the facilities and equipment to be provided and maintained at receiving plants and rendering plants;

(j) respecting advertising by any person respecting dead animals, fallen animals or meat obtained from dead animals;
(k) providing for the labelling of products obtained from
death of animals or parts thereof;

(l) providing for the disposition of dead animals or any
parts thereof or meat obtained therefrom;

(m) prescribing the records to be made and kept by collectors
and by operators of receiving plants and rendering
plants and by brokers;

(n) prescribing forms and providing for their use;

(o) governing the seizure, removal, detention and disposal
of dead animals or meat obtained therefrom for the
purposes of clause 15 (3) (c);

(p) respecting any matter necessary or advisable to carry out
effectively the intent and purpose of this Act.  R.S.O.
1970, c. 105, s. 11; 1972, c. 60, s. 8; 1976, c. 30, s. 2.