

SOUTH AUSTRALIA

SOUTH AUSTRALIAN MEAT CORPORATION ACT 1936

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **23 May 1996**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

**PART 1
PRELIMINARY**

1. Short title and commencement
2. Division of Act
3. Interpretation
4. Repeal

**PART 2
THE SOUTH AUSTRALIAN MEAT CORPORATION**

9. Continuance of the Corporation
10. Composition of Corporation
11. Term of office of members
12. Remuneration of members of the Corporation
14. Casual vacancies
22. Right of councillors to sit on Corporation
23. Quorum and chairman
24. Meetings of Corporation
25. Delegation
26. Effect of defects in appointment
27. Receipt of fees, penalties, etc.
28. Officers
29. Payment of salaries
30. Power of Corporation to contribute to superannuation funds
31. Travelling expenses
33. Certain improvements not to be taken into account in assessment of Corporation's lands for rates
36. Corporation and members not liable if unable to perform contracts through strikes, etc.
38. Execution of deeds and instruments
39. Minute-book
40. Custody of books and documents
41. Appointment of auditor
42. Report on efficiency
43. Accounts of Corporation
44. Auditor's duties
45. Balance-sheet to be laid before the Parliament and printed for distribution
46. Date of establishment of Metropolitan and Export Abattoirs Board
47. Transfer to board of certain rights and powers
48. Transfer of property of Government Produce Department
49. Duty of Corporation as to fees and charges
51. Power of Corporation to deal in stock
52. Maximum number of stock to be sold in one day

**PART 3
FINANCE**

53. Power of Corporation to borrow money, etc.
54. Assumption by Minister of liabilities under contracts of loan to the Corporation
55. The SAMCOR Deficit Fund
67. Banking account

**PART 4
ABATTOIRS**

68. Erection of abattoirs
69. Letting of land for hide and skin market
74. Time when abattoirs available
82. Exclusive right of Corporation to slaughter stock
91. Corporation may deliver meat
- 91A. Lien on stock or meat for charges owing to Corporation
92. Blood, etc., to be rendered merchantable

South Australian Meat Corporation Act 1936

**PART 4A
PORT LINCOLN ABATTOIRS**

- 93A. Repeal of Port Lincoln Abattoirs Act
- 93B. Transfer of Port Lincoln abattoirs to the Corporation
- 93C. Option for public servants at Port Lincoln abattoirs to transfer to Corporation
- 93D. Port Lincoln abattoirs
- 93E. Separate taxing of Port Lincoln abattoirs land

**PART 5
MARKETS FOR STOCK**

- 94. Establishment of markets
- 96A. Power of Corporation to establish stores
- 96B. Power of Corporation to treat meat

**PART 6
POWER TO TAKE LAND, ETC.**

- 97. Power to take land compulsorily
- 99. Enhancement of owner's land to be considered in estimating compensation
- 100. Power to take temporary possession of land
- 101. Power to take timber, clay, etc., from land
- 102. Corporation to separate lands if required
- 103. Compensation to be made for temporary occupation
- 104. Compensation, how to be ascertained
- 105. Corporation may make surveys
- 106. Power to lease and sell surplus land and property

**PART 8
RESOLUTIONS AND REGULATIONS**

- 111A. Resolutions of Corporation
- 111B. Effect of resolution fixing fees, etc.
- 112. Regulations
- 113. Provisions as to regulations
- 114. Validity of regulations, etc.

**PART 9
MISCELLANEOUS**

- 117. Presumption of knowledge
- 118. Recovery of charges
- 120. Hearing of complaints and informations
- 121. Legal proceedings, in whose name
- 122. Authority
- 123. Proof
- 124. Contents of books may be proved by certified copies
- 125. Service of notices, etc., upon Corporation
- 126. Service of notices
- 127. Proof of service
- 128. Authentication of certain documents

**SCHEDULE 1
*Acts Repealed***

**APPENDIX
LEGISLATIVE HISTORY**

SOUTH AUSTRALIAN MEAT CORPORATION ACT 1936

being

Metropolitan and Export Abattoirs Act 1936, No. 2291 of 1936
[Assented to 8 October 1936]¹

as amended by

Metropolitan and Export Abattoirs Act Amendment Act 1937 No. 2373 of 1937 [Assented to 15 December 1937]
Metropolitan and Export Abattoirs Act Amendment Act 1945 No. 43 of 1945 [Assented to 24 January 1946]
Metropolitan and Export Abattoirs Act Amendment Act 1948 No. 17 of 1948 [Assented to 23 September 1948]
Metropolitan and Export Abattoirs Act Amendment Act 1952 No. 24 of 1952 [Assented to 13 November 1952]
Metropolitan and Export Abattoirs Act Amendment Act 1954 No. 58 of 1954 [Assented to 23 December 1954]
Metropolitan and Export Abattoirs Act Amendment Act 1955 No. 48 of 1955 [Assented to 8 December 1955]
Metropolitan and Export Abattoirs Act Amendment Act 1956 No. 20 of 1956 [Assented to 8 November 1956]²
Metropolitan and Export Abattoirs Act Amendment Act 1957 No. 15 of 1957 [Assented to 24 October 1957]
Metropolitan and Export Abattoirs Act Amendment Act 1958 No. 10 of 1958 [Assented to 16 October 1958]
Metropolitan and Export Abattoirs Act Amendment Act 1962 No. 10 of 1962 [Assented to 18 October 1962]
Metropolitan and Export Abattoirs Act Amendment Act 1964 No. 39 of 1964 [Assented to 22 October 1964]
Metropolitan and Export Abattoirs Act Amendment Act 1972 No. 99 of 1972 [Assented to 9 November 1972]³
South Australian Meat Corporation Act Amendment Act 1974 No. 21 of 1974 [Assented to 11 April 1974]
South Australian Meat Corporation Act Amendment Act 1976 No. 100 of 1976 [Assented to 16 December 1976]⁴
South Australian Meat Corporation Act Amendment Act 1977 No. 12 of 1977 [Assented to 5 May 1977]⁵
South Australian Meat Corporation Act Amendment Act 1980 No. 28 of 1980 [Assented to 17 April 1980]⁶
South Australian Meat Corporation Act Amendment Act 1981 No. 27 of 1981 [Assented to 19 March 1981]⁷
South Australian Meat Corporation Act Amendment Act 1983 No. 71 of 1983 [Assented to 3 November 1983]
South Australian Meat Corporation (Sale of Assets) Act 1996 No. 16 of 1996 [Assented to 24 April 1996]⁸

¹ Came into operation 1 April 1937: *Gaz.* 25 March 1937, p. 646.

² Came into operation 6 February 1957: *Gaz.* 24 January 1957, p. 94.

³ Came into operation 9 November 1972: *Gaz.* 9 November 1972, p. 2254.

⁴ Came into operation 9 March 1977: *Gaz.* 3 March 1977, p. 591.

⁵ Came into operation 9 March 1977: s. 2.

⁶ Came into operation 12 February 1981: *Gaz.* 12 February 1981, p. 360.

⁷ Came into operation 1 July 1980: s. 2.

⁸ Came into operation 23 May 1996: *Gaz.* 23 May 1996, p. 2534.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to consolidate the law relating to the Metropolitan and Export Abattoirs, and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title and commencement

1. This Act may be cited as the *South Australian Meat Corporation Act 1936*, and shall come into operation on a day to be fixed by the Governor by proclamation.

Division of Act

2. This Act is divided into the following parts:—

PART 1—Preliminary: sections 1-8.

PART 2—The South Australian Meat Corporation: sections 9-52A.

PART 3—Finance: sections 53-67.

PART 4—Abattoirs: sections 68-93.

PART 4A—Port Lincoln Abattoirs: sections 93A-93J.

PART 5—Markets for Stock: sections 94-96B.

PART 6—Power to take Land, Etc.: sections 97-106.

PART 8—Resolutions and Regulations: sections 111A-114.

PART 9—Miscellaneous: sections 115-128.

Interpretation

3. (1) In this Act, and in proceedings and regulations thereunder, except where some other meaning is clearly intended—

"**abattoirs**" means the abattoirs erected and established pursuant to Part 4 of this Act;

"**member**" in relation to the Corporation includes the person for the time being appointed chairman of the Corporation;

"**Minister**" means the Minister of Agriculture;

"**Port Lincoln abattoirs**" means the abattoirs erected and established pursuant to the repealed Port Lincoln Abattoirs Act or Part 4A of this Act;

"**public notice**" means notice by advertisement in the *Government Gazette*, and in two daily newspapers circulating in the metropolitan abattoirs area;

"**the Corporation**" means the body corporate continued in existence under section 9 of this Act;

"**the repealed Port Lincoln Abattoirs Act**" means the *Port Lincoln Abattoirs Act 1937* repealed by section 93A of this Act;

"**Treasurer**" means the Treasurer of the State or the Minister of the Crown for the time being performing the duties of the said Treasurer.

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South Australian Meat Corporation Act 1936

Repeal

4. The Acts mentioned in the first schedule hereto are repealed.

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**PART 2
THE SOUTH AUSTRALIAN MEAT CORPORATION**

Continuance of the Corporation

9. (1) The board known as the "Metropolitan and Export Abattoirs Board" shall continue in existence under that name and on and after the commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* the body corporate known as the "Metropolitan and Export Abattoirs Board" shall continue in existence under the name of the "South Australian Meat Corporation".

(2) The Corporation shall continue to be a body corporate with perpetual succession and a common seal, and shall have power under its corporate name to take, hold, and dispose of property of all kinds, and be a party to arbitration and legal proceedings of all kinds.

(3) The Corporation is hereby charged with the administration of this Act.

(4) Where in any other Act or in any regulation, rule or by-law whether made under this Act or any other Act, or in any other document of any kind whatsoever a reference is made to the "Metropolitan and Export Abattoirs Board" that reference shall so far as it is applicable be read as a reference to the "South Australian Meat Corporation".

(5) On and after the commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* all claims, actions and proceedings which—

- (a) could have been made or commenced by or against the Metropolitan and Export Abattoirs Board may be made or commenced by or against the South Australian Meat Corporation; or
- (b) before that commencement had been made or commenced by or against the Metropolitan and Export Abattoirs Board may be continued by or against the South Australian Meat Corporation and the name of the Corporation shall be substituted for the name of the Metropolitan and Export Abattoirs Board in any such claim, action or proceeding.

(6) The Corporation shall be under the control and direction of the Minister.

Composition of Corporation

10. (1) On the day of commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* the chairman and members of the Metropolitan and Export Abattoirs Board in office immediately before that day shall, by operation of this section, vacate their respective offices.

(2) On and from the day of commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* the Corporation shall consist of a chairman and five members appointed by the Governor.

Term of office of members

11. (1) The chairman and each member of the Corporation shall, subject to this Act, hold office for three years.

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South Australian Meat Corporation Act 1936

(4) A person appointed to a casual vacancy on the Corporation shall hold office for the balance only of the term of the chairman or the member in whose place he was appointed.

(5) The term of office of the chairman and of every member, other than a chairman or member appointed to a casual vacancy, shall be computed from the first day of July in the year in which he is appointed.

(6) If at the expiration of the term of office of any chairman or member of the Corporation an appointment has not been made to fill the vacancy, the existing chairman or member shall continue in office until the appointment is made.

Remuneration of members of the Corporation

12. (1) There shall be payable by way of remuneration to the chairman and every member of the Corporation such sum as the Governor fixes.

(2) The said sums shall be paid out of the funds of the Corporation.

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Casual vacancies

14. (1) The seat of the chairman or any member of the Corporation shall become vacant if—

- (a) he becomes insane, or dies, or becomes bankrupt, or executes a deed of assignment for the benefit of his creditors, or compounds with his creditors for less than one hundred cents in the dollar:
- (b) he is convicted for an indictable offence:
- (c) he resigns by notice in writing posted or delivered to the Minister:
- (d) he absents himself from three consecutive meetings of the Corporation without leave of the Corporation.

(2) A member appointed to fill a casual vacancy on the Corporation shall hold office only for the balance of the term of the member in whose stead he was appointed.

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Right of councillors to sit on Corporation

22. The appointment of any member of a council as a member of the Corporation shall not disqualify such member from continuing a member of such council, notwithstanding anything to the contrary contained in any Act.

Quorum and chairman

23. (1) A quorum shall consist of any three members.

(2) If the chairman is not present within five minutes after the time for which any meeting has been convened, or if having been present, he retires, the members present may, by the votes of the majority, elect any member present to be acting chairman for that meeting, or until the chairman arrives, or during his absence, and the acting chairman, while so acting, shall have and exercise the powers of the chairman.

(3) Every chairman shall have a deliberative vote, and also a casting vote.

Meetings of Corporation

24. (1) The Corporation shall meet for the dispatch of business at such places and at such times as the Corporation from time to time determines.

(2) The chairman, in case of emergency, may call a meeting of the Corporation, and a special meeting shall be held at any time on requisition in writing signed by not less than three members of the Corporation delivered to the secretary.

(3) Three days' notice of any ordinary meeting and previous notice of any special or emergency meeting, signed by the secretary, shall be sent to each member of the Corporation before the time appointed for such meeting; and such notice shall in all cases of special or emergency meetings state the time, place, and business of such meeting.

Delegation

25. (1) The Corporation may by writing under its seal delegate to any person any of its powers, functions or duties under this Act (except this power of delegation) so that the delegated powers, functions or duties may be exercised or performed by the delegate with respect to the matters or class of matters specified, or the place or locality defined, in the instrument of delegation.

(2) A delegation under subsection (1) of this section is revocable in writing, under the seal of the Corporation, at will and no delegation shall prevent the exercise or performance by the Corporation of any of its powers, functions or duties.

Effect of defects in appointment

26. (1) No act or proceeding of the Corporation shall be invalidated or illegal in consequence only of the number of the members of the Corporation not being complete at the time of such act or proceeding.

(2) All acts or proceedings of the Corporation shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member of the Corporation, and as if the Corporation had been fully constituted.

Receipt of fees, penalties, etc.

27. (1) The Corporation shall receive and recover all fees, dues, and charges, prescribed or otherwise, payable under this Act or under any regulations made in pursuance of the powers herein contained.

(2) The receipt of the secretary or other person duly authorised by the Corporation for the purpose shall be a sufficient discharge for the moneys received, and all penalties under this Act and the regulations shall, when recovered, be paid to the Corporation.

Officers

28. (1) The Corporation may appoint any superintendents, and other officers and servants (not being members of the Corporation) whom it deems necessary to appoint for enabling the Corporation to carry into execution the powers and duties vested in or imposed on it by this Act.

(2) All persons appointed by the Corporation shall hold their offices only during the pleasure of the Corporation.

South Australian Meat Corporation Act 1936

Payment of salaries

29. The Corporation may pay to the secretary and treasurer, and to every person appointed or employed by the Corporation, such allowance, salary, wages, or professional fees as seem reasonable or proper, and may pay the premiums on the fidelity and workmen's compensation insurance policies of its officers and servants.

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Power of Corporation to contribute to superannuation funds

30. The Corporation may—

- (a) pay retiring allowances to any officers or servants of the Corporation or to the widows or children of any such officers or servants who die while in the employ of the Corporation; and
- (b) make contributions to any superannuation or pension fund for the benefit of the officers or servants of the Corporation, or of the widows or children of any such officers or servants who die while in the employ of the Corporation or who die whilst in the receipt of a pension after retirement from the employment of the Corporation; and
- (c) enter into an arrangement or supplementary arrangement of a kind referred to in section 6 of the *Superannuation Act 1969*, as amended, or any corresponding subsequent enactment.

Travelling expenses

31. The Corporation may pay the travelling expenses of members of the Corporation or of its officers and servants when engaged on the special business of the Corporation.

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Certain improvements not to be taken into account in assessment of Corporation's lands for rates

33. (1) Where improvements to any land of the Corporation by way of buildings or erections used for or incidental to the carrying out of its powers and functions would, apart from this section, be taken into account in assessing the value of the land for municipal or district council rates, then, notwithstanding the provisions of any other Act, no account shall be taken of such improvements in any such assessment other than buildings or parts of buildings used as offices or dwelling-houses.

(2) This section applies in relation to the financial year commencing on the first day of July 1983 and each succeeding financial year.

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Corporation and members not liable if unable to perform contracts through strikes , etc.

36. The Corporation shall not, nor shall any member thereof, be liable in damages or otherwise on account or by reason of the non-performance of any contract, or any delay in executing any contract, which is caused by reason of any strike, lockout (not being the act of the Corporation), industrial dispute, the act of God, or unavoidable accident, or any other circumstance (other than the want of funds) beyond the control of the Corporation.

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Execution of deeds and instruments

38. Every deed, conveyance, agreement, or instrument which it may be necessary for the Corporation to execute or sign shall have the seal of the Corporation affixed thereto, and be signed by the chairman and countersigned by the secretary.

Minute-book

39. The Corporation shall keep a minute-book in which the proceedings of each meeting and the business performed thereat shall be entered, and the minutes of each meeting shall be signed by the chairman of that meeting, and be confirmed at the next subsequent meeting of the Corporation.

Custody of books and documents

40. The custody of the books, journals, records, and all documents whatsoever belonging to the Corporation shall be in the secretary, who shall not permit any such books, journals, records, or documents to be removed from the office of the Corporation, without the express leave or order of the Corporation or of the chairman.

Appointment of auditor

41. (1) There shall be an auditor of the Corporation, to be from time to time appointed by the Corporation.

(2) Members of the Corporation shall not be eligible for appointment as auditors.

(3) Subject to the right of the Corporation to dismiss its employees at pleasure an auditor shall hold office for one year, and may be reappointed from time to time.

(4) The auditor shall be paid such remuneration as the Corporation thinks fit.

Report on efficiency

42. (1) At least once in every three years the Minister shall appoint a competent person or persons to investigate and report to him upon the efficiency of the plant, machinery, administration, and operations of the Corporation.

(2) The cost of the investigation and report shall be paid by the Corporation.

(3) The Minister shall lay the report as soon as practicable after the receipt thereof before each House of Parliament.

Accounts of Corporation

43. (1) The secretary and treasurer shall cause to be kept proper books of account for the purpose of entering all sums of money received and paid on behalf of the Corporation, which books shall at all times be open to the inspection of the chairman, any member of the Corporation, or the auditor.

(2) The accounts of the Corporation shall be balanced annually, and drawn up in such form as to distinguish capital from income, with a statement of profit and loss for the year ending the thirtieth day of June in each year, and shall be prepared by the secretary and delivered to the auditor for examination.

Auditor's duties

44. The auditor shall carefully examine such accounts and balance-sheet with the books, papers, and vouchers of the Corporation, and shall cause the same to be corrected or altered whenever found necessary; and, for the purpose of completing such audit, his duties shall continue until such accounts have been duly examined and audited by him, notwithstanding that his successor may have been appointed.

South Australian Meat Corporation Act 1936

Balance-sheet to be laid before the Parliament and printed for distribution

45. (1) An account of all moneys received and expended by virtue of and for the purposes of this Act, signed by the chairman and secretary and certified by the auditor, specifying the total sum received from each source of income, and the total annual revenue and the total amounts disbursed under each head of expenditure, and the total annual outlay, made up to the thirtieth day of June in each year, shall, on or before the first day of November next ensuing, be laid before Parliament, if then in session; otherwise, as soon thereafter as Parliament may be sitting.

(2) The annual account shall, on or before the first day of November, also be printed and published for distribution, or advertised for public information, as the Corporation may direct.

Date of establishment of Metropolitan and Export Abattoirs Board

46. The Metropolitan and Export Abattoirs Board, continued in existence by this Act as in force before the commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* shall be deemed to have been only established on the twelfth day of April 1934.

Transfer to board of certain rights and powers

47. (1) As from the twelfth day of April 1934—

- (a) there shall be transferred to and vested in the board, referred to in section 46 of this Act, all property, funds, rights, powers, liabilities, duties, and obligations formerly appertaining to the Metropolitan Abattoirs Board established under the *Metropolitan Abattoirs Act 1908*; and
- (b) the Metropolitan Abattoirs Board established under the *Metropolitan Abattoirs Act 1908*, shall cease to exist.

(2) In all transactions, proceedings, and matters to which the said Metropolitan Abattoirs Board was a party or in which it was concerned, the board, referred to in section 46 of this Act, shall be substituted for the Metropolitan Abattoirs Board.

(3) All enactments, regulations, deeds, instruments, documents, and transactions of any kind in which the said Metropolitan Abattoirs Board is mentioned, or to which it is a party, shall be so construed and varied as to give effect to this section.

Transfer of property of Government Produce Department

48. (1) There shall be vested in the Metropolitan and Export Abattoirs Board, as from the twelfth day of April 1934, blocks 63 and 64 of the Hundred of Port Adelaide, and all buildings, plant, implements, and machinery on that land for an estate in fee simple.

(2) The said land, buildings, plant, implements, and machinery shall form part of the abattoirs.

(3) In consideration of the transfer of the said land and other property the board shall pay to the Treasurer of the State the sum of one hundred thousand dollars, together with interest thereon at the rate of four per centum per annum, in forty-two years by equal half-yearly instalments.

(4) To secure the said sum the board shall issue to the Treasurer debentures charging the undertaking and revenues of the board with repayment of the said sum, and containing conditions for repayment of the said sum and interest thereon, which conditions shall conform as nearly as possible to the conditions contained in the other debentures issued to the Treasurer by the Metropolitan Abattoirs Board under the Acts repealed by this Act, but the debentures shall not impose any liability on any constituent council or any property thereof.

(5) The provisions of this Act, which relate to the establishment of a sinking fund, shall apply to the said sum of one hundred thousand dollars.

Duty of Corporation as to fees and charges

49. The Corporation shall impose and collect such fees and charges for slaughtering and other services performed by it, as will ensure that it will have sufficient revenue to pay, in addition to all other amounts payable by it, the amounts due under the debentures issued under this Act.

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Power of Corporation to deal in stock

51. The Corporation may buy and sell stock, carcasses, and meat, but shall not sell any meat by retail.

Maximum number of stock to be sold in one day

52. The Corporation may by public notice fix the maximum number of stock of any kind to be sold on any one day in any market under the control of the Corporation, and may refuse to receive into any market any stock in excess of the maximum number so fixed for the particular kind of stock.

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**PART 3
FINANCE**

Power of Corporation to borrow money, etc.

53. (1) The Corporation may borrow money from the Treasurer or, with the consent of the Treasurer, from any person—

- (a) for the purposes of the exercise and performance of any of its powers, functions and duties under this Act; or
- (b) to satisfy any liability of the Corporation.

(2) The Corporation may issue debentures to secure the repayment of any money borrowed by it pursuant to subsection (1) of this section and all interest due thereon.

(3) Any amount borrowed by the Metropolitan and Export Abattoirs Board before the commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* and any amount borrowed by the Corporation after that commencement and in each case with interest thereon shall be a first charge on all the property and revenue, whether accrued or still to accrue, of the Corporation.

(4) The due repayment of all principal sums together with interest thereon borrowed by the Metropolitan and Export Abattoirs Board before the commencement of the *Metropolitan and Export Abattoirs Act Amendment Act 1972* and the due repayment of all principal sums together with interest thereon borrowed by the Corporation on and after that commencement is hereby guaranteed by the Government of South Australia.

(5) The Treasurer is hereby authorised—

- (a) out of moneys to be appropriated by Parliament for the purpose, to make advances by way of loan to the Corporation, subject to such terms and conditions as he thinks fit, for any of the purposes mentioned in subsection (1) of this section; and
- (b) to pay out of the General Revenue of the State any sum required for fulfilling any guarantee referred to in subsection (4) of this section (and this section without further appropriation is sufficient authority for any such payment) and any sum paid under this paragraph shall, when moneys are properly available for the purpose, be repaid by the Corporation to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

Assumption by Minister of liabilities under contracts of loan to the Corporation

54. (1) The Minister may, with the concurrence of the Treasurer, by notice in writing to a creditor of the Corporation, assume any liabilities of the Corporation to that creditor in respect of a loan to the Corporation.

(2) Where the Minister assumes liabilities of the Corporation under subsection (1), those liabilities shall cease to attach to the Corporation and shall attach instead to the Minister.

The SAMCOR Deficit Fund

55. (1) There shall be a fund at the Treasury, administered by the Minister, entitled the "SAMCOR Deficit Fund".

(2) The Fund shall consist of—

- (a) moneys made available by the Treasurer out of moneys provided by Parliament for the purposes of the Fund; and
- (b) moneys paid into the Fund by the Corporation under subsection (3).

(3) The Corporation shall, as soon as practicable after the end of each financial year, pay into the Fund—

- (a) an amount that represents, in the opinion of the Minister, the amount by which the Corporation has benefited in respect of that financial year by reason of exemption from taxation under the laws of the Commonwealth; and
- (b) the balance of any profits made by the Corporation during the financial year less any amount that is, by agreement of the Corporation and the Minister, to be retained by the Corporation on account of future expenditure.

(4) The following amounts shall be paid out of the Fund—

- (a) amounts required to satisfy liabilities of the Minister in respect of moneys borrowed for the purposes of this Act; and
- (b) amounts that are, by agreement between the Minister and the Treasurer, to be paid to the Corporation in re-imbusement or partial re-imbusement of expenditure incurred by the Corporation.

(5) Payments out of the Fund shall be made by the Minister, acting with the concurrence of the Treasurer.

(6) Any surplus of the Fund shall be paid into the General Revenue of the State.

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Banking account

67. (1) The Corporation may pay any of its moneys into any bank and keep the same there on deposit as may be found convenient, and may, for the purpose of carrying out the provisions of this Act, obtain advances from any bank by over-drafts, either without security, or by pledge of its property, or on other security.

(2) No funds shall be withdrawn from any bank except by cheque signed by the chairman, by any member, or by an officer of the Corporation authorised in that behalf by the Corporation and countersigned by an officer of the Corporation authorised in that behalf by the Corporation. The Corporation may from time to time authorise any officer of the Corporation to sign cheques as aforesaid and may from time to time authorise any officer of the Corporation to countersign cheques as aforesaid. Any such authority may at any time be withdrawn by the Corporation.

South Australian Meat Corporation Act 1936

PART 4
ABATTOIRS

Erection of abattoirs

68. The Corporation may—

- (a) erect and establish abattoirs on land to be acquired:
- (b) in connection therewith make, establish, and erect all such railway sidings, buildings, works, cool storage, plant and machinery, and all other erections, fixtures, fittings, and other works as the Corporation, for the time being, considers necessary, and from time to time, alter, remove, and extend the same.

Letting of land for hide and skin market

69. The Corporation may let, upon lease or otherwise, any portion of its lands, buildings, plant or other property at such rent, for such term, and upon such conditions as it shall think fit.

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Time when abattoirs available

74. For the purposes of this Act the abattoirs of the Corporation shall be deemed to be available for slaughtering stock at all times except times during which the Corporation by public notice declares the abattoirs to be closed to the slaughtering of stock.

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Exclusive right of Corporation to slaughter stock

82. Notwithstanding anything contained in this Act, the Corporation shall have the exclusive right to slaughter stock at the abattoirs, and may charge such fees for slaughtering and other services as it thinks fit.

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Corporation may deliver meat

91. (1) The Corporation may deliver meat of stock slaughtered at the abattoirs to the owners, and may make such charges for the delivery thereof as it may think fit.

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Lien on stock or meat for charges owing to Corporation

91A. The Corporation has a lien on all stock and meat of an owner for the time being in the possession or control, or on the property, of the Corporation for charges owed by the owner to the Corporation in respect of services rendered by the Corporation whether in relation to that stock or meat or otherwise.

Blood, etc., to be rendered merchantable

92. The Corporation shall cause all by-products to be treated and rendered merchantable by means of desiccators, digesters, or such other means as the Corporation thinks fit.

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South Australian Meat Corporation Act 1936

**PART 4A
PORT LINCOLN ABATTOIRS**

Repeal of Port Lincoln Abattoirs Act

93A. The *Port Lincoln Abattoirs Act 1937* is hereby repealed.

Transfer of Port Lincoln abattoirs to the Corporation

93B. (1) The land comprised in Certificate of Title Register Book:

Volume 1779 Folio 32
Volume 1989 Folio 85
Volume 2156 Folio 147
Volume 2416 Folio 181
Volume 2459 Folio 187
Volume 2687 Folio 136
Volume 4036 Folio 369

is hereby vested in the Corporation for an estate in fee simple subject to any mortgage or encumbrance existing immediately before this vesting.

(2) The Registrar-General shall, upon proof to his satisfaction that land is vested in the Corporation in pursuance of this section, and upon production of the duplicate certificates of title (if any) relating to the land, issue such new certificates of title or make such entries and notations upon existing certificates of title as may be necessary to evidence the vesting of the land in the Corporation.

(3) All personal property, rights, powers, duties and liabilities vested immediately before the commencement of the *South Australian Meat Corporation Act Amendment Act 1976* in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act are, subject to this Act, on that commencement hereby transferred to and vested in the Corporation.

(4) Any proceedings commenced by or against the Minister of Agriculture or the State in relation to the property, rights, powers, duties or liabilities vested in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act and not finally disposed of on the commencement of the *South Australian Meat Corporation Act Amendment Act 1976* may be continued and completed by or against the Corporation.

(5) A reference to the Minister of Agriculture, the Crown in right of the State or the State in relation to the property, rights, powers, duties or liabilities vested in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act in any Act, regulation, rule, by-law, order of a court, instrument, agreement or document of any kind shall be read, where the context admits, as a reference to the Corporation.

(6) Any permit granted by the Minister of Agriculture or any other person under section 10 of the repealed Port Lincoln Abattoirs Act shall, on and after the commencement of the *South Australian Meat Corporation Act Amendment Act 1976* continue in force and effect for the period for which it was granted and subject to the terms and conditions contained in the permit.

Option for public servants at Port Lincoln abattoirs to transfer to Corporation

93C. (1) This section applies to any person who was immediately before the commencement of the *South Australian Meat Corporation Act Amendment Act 1976* employed under the *Public Service Act 1967-1975* and engaged in the performance of duties or functions pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act.

(2) The Corporation may, during the period of twelve months next following the commencement of the *South Australian Meat Corporation Act Amendment Act 1976* with the approval of the Minister controlling the department of the Public Service of the State in which any person to whom this section applies is employed, upon terms mutually arranged, make use of the services of that person for any purpose related to the performance of the functions of the Corporation under this Act.

(3) A person whose services are being made use of by the Corporation under subsection (2) of this section may during the period of twelve months referred to in that subsection elect to become an employee of the Corporation.

(4) Upon the transfer of any person to the employment of the Corporation pursuant to subsection (3) of this section—

- (a) the salary and status of that person shall not be reduced; and
- (b) the existing and accruing rights of that person in respect of recreation leave, sick leave and long service leave shall continue in effect.

Port Lincoln abattoirs

93D. The Corporation may—

- (a) erect, establish, maintain or operate abattoirs either within or outside the Port Lincoln abattoirs area; and
- (b) for the purposes of such abattoirs make, establish or erect all such buildings, works, cold storage plant, machinery, fixtures, fittings or other works or plant as the Corporation considers necessary and may from time to time alter, remove or extend the same.

Separate taxing of Port Lincoln abattoirs land

93E. Notwithstanding the provisions of any other Act, in determining the liability of the Corporation to pay tax under any Act in respect of the land held by the Corporation, the taxable value of the land held by the Corporation for or in connection with the Port Lincoln abattoirs shall not be aggregated with the taxable value of other land held by the Corporation.

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South Australian Meat Corporation Act 1936

**PART 5
MARKETS FOR STOCK**

Establishment of markets

94. The Corporation may—

- (a) erect and establish markets for the sale of stock on land to be acquired, together with all such railway sidings, buildings, pens, yards, races, plant, works, machinery, and appurtenances as the Corporation considers necessary:
- (b) from time to time alter, remove, and extend the same.

* * * * *

Power of Corporation to establish stores

96A. The Corporation may erect and establish stores and provide storage for fruit or other perishable commodities of any kind and may make such charges for storage as are prescribed by regulation or determined by the Corporation.

Power of Corporation to treat meat

96B. The Corporation may treat meat by canning, dehydration or other process and may erect and provide any buildings and plant necessary for such treatment and may make such charges for such treatment as are prescribed by regulation or determined by the Corporation.

**PART 6
POWER TO TAKE LAND, ETC.**

Power to take land compulsorily

97. For the purposes of this Act subject to and in accordance with the *Land Acquisition Act 1969* as amended the Corporation may compulsorily take land (except park lands or public reserves and lands subject to the public right of way) in any part in the State.

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Enhancement of owner's land to be considered in estimating compensation

99. In estimating the purchase-money or compensation to be paid by the Corporation in any case, the amount of the enhancement in value of the adjoining lands belonging to the person to whom the compensation is to be made, and the value of any other benefit or advantage which such person may or shall obtain by reason of the making or carrying out of the works or undertaking, shall be deducted from the amount of such purchase-money or compensation.

Power to take temporary possession of land

100. (1) Subject to subsection (2) hereof, the Corporation, and all persons by it authorised, may enter upon any lands, and occupy the same as long as is necessary for the purposes of the works, or of the accommodation works connected therewith, hereinafter mentioned, and may use the same for the purpose of—

- (a) taking earth by side-cuttings therefrom; or
- (b) depositing soil thereon; or
- (c) obtaining materials therefrom for the construction or repair of the works, or such accommodation works as aforesaid; or
- (d) forming roads thereon to or from or by the side of the works.

(2) The powers conferred by this section shall not apply to—

- (a) land which is more than 183 metres distant from the works:
- (b) land which is a yard, garden, orchard, vineyard, or plantation attached to or belonging to a house or place of worship:
- (c) land which is a park, planted walk, avenue, or ground ornamentally planted:
- (d) land which is less than 457 metres distant from the dwelling house of the owner of such land.

Power to take timber, clay, etc., from land

101. (1) The Corporation, and all persons authorised by it, may, in exercise of the powers conferred by the last preceding section—

- (a) deposit, and also manufacture and work upon such lands, materials of every kind used in constructing the works; and
- (b) take from any such lands any timber; and

South Australian Meat Corporation Act 1936

- (c) dig and take therefrom, or thereout, any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the works, or any such roads as aforesaid; and
- (d) erect thereon workshops, sheds, and other buildings of a temporary nature.

(2) Nothing in this Act contained shall exempt the Corporation from any action for nuisance or other injury (if any) done in the exercise of the powers hereinbefore given to the lands or habitations of any person other than the person whose lands are so taken or used for any of the purposes aforesaid.

(3) No stone or slate quarry, brickfield, or other like place which, on the twenty-third day of December 1890, was commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken and used by the Corporation, either wholly or in part, for any of the purposes in this and the next preceding section mentioned.

Corporation to separate lands if required

102. (1) If any lands are used for any of the purposes aforesaid the Corporation shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be necessary for the convenient occupation of such lands.

(2) In case of any difference between the owner or occupier of such lands and the Corporation as to the necessity of such fences and gates, the Corporation shall separate such lands from the lands adjoining with such fences and gates as the Minister deems necessary for the purposes aforesaid.

Compensation to be made for temporary occupation

103. (1) In any of the cases aforesaid where the Corporation takes temporary possession of lands by virtue of the powers conferred by this Part, the Corporation shall, within one month after entry upon such lands, upon being required to do so, pay to the occupier of the said lands the value of any crop or dressing thereon, as well as full compensation for any other damage of a temporary nature which he sustains by reason of the Corporation so taking possession of his lands.

(2) The Corporation shall also from time to time during such occupation of the said lands pay half-yearly or quarterly to such occupier or the owner of the lands, as the case may require, a rent to be fixed by two justices in case the parties differ.

(3) The Corporation shall also, within six months after the Corporation has ceased to occupy the said lands, pay to such occupier or owner, or pay into the Supreme Court for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that has been sustained by them by reason of the exercise as regards the said lands of the powers conferred by this Part, including the full value of all such clay, stone, gravel, sand, and other things taken from such land.

Compensation, how to be ascertained

104. The amount and application of the compensation payable by the Corporation, in any of the cases aforesaid, shall be determined in the manner provided by the *Land Acquisition Act 1969*, as amended, for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Corporation may make surveys

105. The Corporation may, at all times, by its officers, surveyors, engineers, agents, and servants enter into any lands for the purpose of making surveys or taking levels, or setting out any land required for or in connection with the works.

Power to lease and sell surplus land and property

106. (1) The Corporation may, subject to the consent of the Minister—

- (a) demise any land acquired by it for the purposes of any works under this Act, and which are not immediately required for the purposes of this Act, for such period, at such rent, and upon such conditions as the Corporation thinks fit; and
- (b) sell, exchange, or otherwise dispose of any such land which the Corporation does not require for such works; and
- (c) transfer or convey such land.

(2) The Corporation's receipt for any sum of money shall be a sufficient discharge to any lessee, purchaser, or other person paying the same.

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South Australian Meat Corporation Act 1936

PART 8
RESOLUTIONS AND REGULATIONS

Resolutions of Corporation

111A. In addition to and not in derogation of the powers elsewhere conferred on it by this Act the Corporation may from time to time by resolution—

- (a) fix the rates of slaughtering fees or dues payable for the use of the abattoirs and of the markets under Part 5 of this Act and of sustenance fees for stock; and

* * * * *

- (d) fix the fees to be charged for the storage of any fruit or other perishable commodities on the Corporation's premises; and

- (e) fix the fees to be charged for the treatment of meat or poultry by canning, dehydration or otherwise and for the receipt and delivery of that meat or poultry.

Effect of resolution fixing fees, etc.

111B. (1) Except as is provided in this section nothing in section 111A of this Act shall affect the validity or efficacy of any regulation made under this Act whether made before or after the commencement of the Metropolitan and Export Abattoirs Act Amendment 1972.

(2) Where a fee, rate of fee or charge fixed by resolution under section 111A of this Act is different from a fee, rate of fee or charge for the same service fixed under the regulations referred to in subsection (1) of this section the fee, rate of fee or charge so fixed by resolution shall prevail over the fee, rate of fee or charge fixed by regulation.

Regulations

112. The Corporation may make regulations for the purpose of carrying into effect any object or purpose expressed or implied in this Act, or incidental to or in any way connected with the administration of this Act; and without limitation of or derogation from the foregoing general power, the Corporation may also make regulations for all or any of the following purposes:—

- (1) Prescribing the conditions on which stock may be received into or supplied or removed from the abattoirs:

- (2) Prescribing the duties of superintendents, clerks, mechanics, slaughtermen, and other officers and servants of the Corporation, and for regulating and enforcing the due performance of such duties:

* * * * *

- (4) Prescribing the time for slaughtering stock, for the feeding, watering, tending, and preventing cruelty to and overcrowding of stock at the abattoirs, and for the milking of milch stock at the abattoirs:

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- (10) Fixing the rates of slaughtering fees or of dues payable for the use of the abattoirs and of the markets, under Part 5 of this Act, and of sustenance fees for stock:

* * * * *

- (24) For the general regulation and management of the abattoirs and markets for stock, for the cleansing, occupying, and using the same, or any parts thereof, for ordering and governing the persons appointed at such abattoirs and markets, and all other persons, coming and resorting thereto, the tolls, dues, and fees to be received thereat, the maintenance of good order therein, and all matters which concern or relate to such abattoirs and markets:
- (25) For ordering and regulating the mode and conduct of proceedings at the meetings of the Corporation and its committees:
- (26) Prescribing the conditions upon which fruit and other perishable commodities of any kind may be received into, stored in, or removed from the Corporation's premises, and prescribing the extent (if any) to which the Corporation shall be liable in respect of any such commodities, and fixing the fees to be charged for storage of any commodities:
- (27) Prescribing the conditions upon which the Corporation may treat meat or poultry by canning, dehydration, or otherwise, and upon which it may receive and deliver such meat or poultry, and fixing the fees to be charged for such treatment, receipt and delivery.

Provisions as to regulations

113. (1) Any regulation may impose any penalty not exceeding forty dollars for the breach or non-observance of the same or of any regulation or, in the case of a continuing breach, not exceeding four dollars for each day that the breach is continued.

(2) All regulations made under this Act shall be subject to the confirmation of the Governor, and when confirmed by the Governor shall be published in the *Gazette*, and shall thenceforth have the force and effect of law.

(3) The *Gazette* containing any such regulations shall be conclusive evidence of the due making thereof.

Validity of regulations, etc.

114. (1) A person desiring to dispute the validity of a regulation may apply to the Supreme Court, upon affidavit, for a rule calling upon the Corporation to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said court may make absolute or discharge the said rule, with or without costs.

(3) All regulations, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

**PART 9
MISCELLANEOUS**

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Presumption of knowledge

117. Whenever in any proceedings for a penalty in respect of any offence against this Act knowledge on the part of the defendant must be shown, such knowledge shall be presumed until the contrary is proved.

Recovery of charges

118. If default be made by any person in the payment of any fees, dues, tolls, or charges, the Corporation, or any person authorised by the Corporation, or the secretary, may, at any time after such default, recover the same by action in any court of competent jurisdiction or by complaint before any court of summary jurisdiction, or by distress upon any property at the abattoirs or the markets for stock respectively belonging to the defaulter in like manner as in the case of rent in arrear.

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Hearing of complaints and informations

120. (1) All complaints and informations shall be heard and determined in a summary way.

(2) All penalties when recovered shall be paid to the Corporation.

Legal proceedings, in whose name

121. All complaints, informations, and legal proceedings may be preferred, prosecuted, or defended in the name of the Corporation, or of the secretary.

Authority

122. All proceedings shall be instituted by the authority of the Corporation or the secretary. Every such authority may be either general or particular, and may be proved by the production of any writing purporting to be under the hand of the secretary.

Proof

123. (1) It shall not be necessary in any legal proceedings to prove the existence or constitution of the Corporation or the appointment of the secretary.

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Contents of books may be proved by certified copies

124. Copies of or extracts from any book sealed with the seal of the Corporation and certified by the secretary to be true copies of or extracts from such book, shall be received as sufficient evidence in all courts and before all justices and tribunals of the contents of such book, or of so much thereof as such extracts contain.

Service of notices, etc., upon Corporation

125. Any notice, summons, writ, or legal process whatsoever, civil or criminal, may be served upon the Corporation, by leaving the same at the principal office of the Corporation with some officer or servant of the Corporation.

Service of notices

126. (1) Every notice by this Act required to be given by or to the Corporation shall be in writing, and signed by some duly authorised person; and such notice shall be deemed to have been duly given if left at the office or principal office of the Corporation, authority, or person to whom the same is intended to be given, or the last known place of abode in South Australia of such person, or if posted in a prepaid registered letter, addressed to the Corporation, authority, or person, at its or his office or principal office, or at the last known place of abode in South Australia of such person.

(2) If such notice is so posted, it shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such office, or principal office, or such place of abode, in the ordinary course of post.

Proof of service

127. Whenever it is necessary, on the hearing of any information for any offence against the provisions of this Act, or against any regulation hereunder, to prove service of any notice, an affidavit of the service of such notice, sworn before a commissioner for taking affidavits in the Supreme Court, or a declaration of such service made before a justice shall be sufficient proof of such service.

Authentication of certain documents

128. Every order, summons, notice, or other such document requiring to be authenticated by the Corporation may, except when otherwise provided, be sufficiently authenticated without the common seal of the Corporation, if signed by a member of the Corporation.

South Australian Meat Corporation Act 1936

SCHEDULES

SCHEDULE 1

Acts Repealed

Number and Year of Act	Title
No. 957 of 1908	The Metropolitan Abattoirs Act 1908.
No. 1009 of 1910	The Metropolitan Abattoirs Act Amendment Act 1910.
No. 1059 of 1911	The Metropolitan Abattoirs Act Further Amendment Act 1911.
No. 1092 of 1912	The Metropolitan Abattoirs Act Further Amendment Act 1912.
No. 1171 of 1914	The Metropolitan Abattoirs Act Further Amendment Act 1914.
No. 1253 of 1916	Metropolitan Abattoirs Act Further Amendment Act 1916.
No. 1796 of 1927	Metropolitan Abattoirs Act Further Amendment Act 1927.
No. 1985 of 1930	Abattoirs Act 1930.
No. 2140 of 1933	Metropolitan and Export Abattoirs Act 1933.
No. 2264 of 1936	Metropolitan and Export Abattoirs Amendment Act 1936.

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APPENDIX

LEGISLATIVE HISTORY

Repeals

The *South Australian Meat Corporation Act Amendment Act 1976* repealed the *Port Lincoln Abattoirs Act 1937*.

Legislative History

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 10 of *The Public General Acts of South Australia 1837-1975* at page 270.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 2:	amended by 100, 1976, s. 3; 28, 1980, s. 3
Section 3(1):	definition of "abattoirs" substituted by 100, 1976, s. 4(a) definitions of "brand", "carcass", "constituent councils", "disease", "diseased", "district" and "inspector" repealed by 28, 1980, s. 4(a) definition of "meat" amended by 100, 1976, s. 4(b); repealed by 29, 1980, s. 4(a) definition of "metropolitan abattoirs area" repealed by 28, 1980, s. 4(b) definition of "municipality" repealed by 28, 1980, s. 4(c) definition of "Port Lincoln abattoirs" inserted by 100, 1976, s. 4(c) definition of "Port Lincoln abattoirs area" inserted by 100, 1976, s. 4(c); repealed by 28, 1980, s. 4(d) definition of "the repealed Port Lincoln Abattoirs Act" inserted by 100, 1976, s. 4(d) definitions of "small goods" and "stock" repealed by 28, 1980, s. 4(e) definition of "vehicle" repealed by 28, 1980, s. 4(f)
Section 3(2):	repealed by 28, 1980, s. 4(g)
Section 5:	repealed by 28, 1980, s. 5
Heading preceding section 6:	repealed by 28, 1980, s. 5
Section 6:	amended by 100, 1976, s. 5; repealed by 28, 1980, s. 5
Sections 7 and 8:	repealed by 28, 1980, s. 5
Section 9(6):	inserted by 27, 1981, s. 3
Section 28(1):	amended by 28, 1980, s. 6
Section 29A:	repealed by 28, 1980, s. 7
Section 33:	substituted by 71, 1983, s. 2
Section 41(1):	amended by 100, 1976, s. 6(a)
Section 41(4):	amended by 100, 1976, s. 6(b)
Section 43(1):	amended by 100, 1976, s. 7(a)
Section 43(2):	amended by 100, 1976, s. 7(b)
Section 44:	amended by 100, 1976, s. 8
Section 45(1):	amended by 100, 1976, s. 9
Sections 50 and 50A:	repealed by 28, 1980, s. 8
Heading preceding section 52A:	repealed by 28, 1980, s. 9
Section 52A:	amended by 100, 1976, s. 10; repealed by 28, 1980, s. 9
Sections 54 and 55:	inserted by 27, 1981, s. 4
Section 55(4):	amended by 71, 1983, s. 3
Section 65A:	repealed by 28, 1980, s. 10
Section 69:	amended by 16, 1996, Sched. para. (h)
Sections 70 and 70A:	repealed by 28, 1980, s. 11
Sections 72 and 73:	repealed by 28, 1980, s. 11
Sections 75 - 77A:	repealed by 28, 1980, s. 12
Section 78:	amended by 100, 1976, s. 11; repealed by 28, 1980, s. 12
Sections 78A - 81:	repealed by 28, 1980, s. 12
Sections 83 - 90:	repealed by 28, 1980, s. 13
Section 91(1):	amended by 28, 1980, s. 14
Section 91(2):	repealed by 71, 1983, s. 4
Section 91A:	inserted by 71, 1983, s. 5
Section 93:	repealed by 28, 1980, s. 15

Part 4A comprising ss. 93A - 93I and heading inserted by 100, 1976, s. 12

South Australian Meat Corporation Act 1936

Section 93B(1): amended by 12, 1977, s. 3
Sections 93F - 93I: repealed by 28, 1980, s. 16
Sections 95 and 96: repealed by 28, 1980, s. 17
Section 97: amended by 28, 1980, s. 18

Part 7 comprising ss. 107 - 111 and heading repealed by 28, 1980, s. 19

Section 111A(b) and (c): repealed by 28, 1980, s. 20
Section 112: amended by 28, 1980, s. 21(a)
Section 112(3): repealed by 28, 1980, s. 21(b)
Section 112(5) - (9): repealed by 28, 1980, s. 21(c)
Section 112(11) - (23): repealed by 28, 1980, s. 21(d)
Section 113(2): amended by 28, 1980, s. 22
Sections 115 and 116: repealed by 28, 1980, s. 23
Section 118: amended by 28, 1980, s. 24
Section 119: amended by 100, 1976, s. 13; repealed by 28, 1980, s. 25
Section 121: amended by 28, 1980, s. 26
Section 123(1): amended by 28, 1980, s. 27(a)
Section 123(2) and (3): repealed by 28, 1980, s. 27(b)
Section 125: amended by 28, 1980, s. 28
Section 128: amended by 28, 1980, s. 29