ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

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No. 1055.

An Act to provide for the Establishment and Control of Abattoirs at places without the Metropolitan Abattoirs Area, and for other purposes.

[*Assented to, December 14th, 1911.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I.

PRELIMINARY AND APPLICATION OF ACT.

1. This Act may be cited as "The Abattoirs Act, 1911." Short title.

2. The provisions of this Act are arranged in Parts as follows:— Arrangement of Act. Met. Abattoirs Act, 1908, s. 2.

PART I.—Preliminary and Application of Act:

PART II.—Abattoirs Areas and Boards and Officers:

PART III.—Establishment of Abattoirs: Expenses and Revenue:

PART IV.—Registration of an Abattoir and Effects thereof:

PART V.—Power to take Land:

PART VI.—Regulations:

PART VII.—Miscellaneous.

3. In

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Interpretation.
Ibid., s. 3.

3. In this Act, and in proceedings taken and regulations made under this Act, except where some other meaning is clearly intended—

"Abattoir" means the abattoir of an abattoirs area:

"Abattoirs area" means an abattoirs area proclaimed under this Act, and in case such an area has been extended by Proclamation under this Act means the abattoirs area as so extended:

"Board" means the Abattoirs Board for the particular abattoirs area:

"Brand" means any brand, mark, or stamp, and includes any tag or label bearing any brand, mark, or stamp:

"Carcass" includes the whole or any part of the flesh, wool, skin, hide, bones, hair, hoofs, and offal of any stock:

"Central Board" means the Central Board of Health:

"Constituent Corporations" means the Corporations or Councils of the Municipalities or Districts, or Municipalities and Districts which, or portions of which, are within an abattoirs area:

"Council" means the Council of a Municipality or District:

"Court" means the Magistrate or Justices sitting at the hearing of any matter under this Act:

"District" has the meaning assigned to that term by the District Councils Act:

"Disease" means the following diseases:—Tuberculosis, pleuropneumonia, cancer, actinomycosis, anthrax, hydatids, worms of any sort, and other inflammatory bacterial and parasitic diseases, and includes advanced pregnancy, recent parturition, and any other defect or infirmity in the condition of stock or meat which in the opinion of any inspector renders it unfit for human consumption, and also any other disease which the Governor by Proclamation declares to be a disease for the purposes of this Act:

"Diseased" means infected or affected with or by disease:

"*Gazette*" means *The South Australian Government Gazette*:

"Inspector" means an inspector appointed under this Act:

"Justice" means a Justice of the Peace in and for the said State:

"Local government area" means a municipality or district:

"Meat" means the flesh of any slaughtered stock, whether such meat is intended to be consumed within an abattoirs area or not, and whether the same is in its natural state, or has been subjected to any freezing, chilling, salting, or other preservative process:

"Minister"

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"Minister" means the Minister of the Crown to whom the administration for the time being of this Act is committed by the Governor:

"Municipality" has the meaning assigned to that term by the Municipal Corporations Act:

"Prescribed" means prescribed by this Act, or by regulation under this Act:

"Proclamation" means a Proclamation by the Governor published in the *Government Gazette*:

"Proclaim" or "proclaimed" means proclaim or proclaimed by Proclamation:

"Public notice" means notice by advertisement in the *Government Gazette*, and in two newspapers circulating in the particular abattoirs area:

"Regulation" means regulation made under this Act:

"Small goods" means any article of food prepared either wholly or in part from small parts of meat:

"Stock" includes cattle, horses, sheep, swine, goats, and all other animals which the Governor from time to time, by Proclamation, declares to be stock for the purposes of this Act:

"The District Councils Act" means "The District Councils Act, 1887": No. 419 of 1887.

"The Municipal Corporations Act" means "The Municipal Corporations Act, 1890": No. 497 of 1890.

"The Health Act" means "The Health Act, 1898": No. 711 of 1898.

"This Act" includes regulations made under this Act:

"Vehicles" includes every description of cart, wagon, truck, barrow, carriage, or other conveyance:

A year of a Board shall be deemed to commence in each calendar year with the day of the year upon which the Proclamation proclaiming the abattoirs area of such Board was published in the *Gazette*:

Notwithstanding anything hereinbefore contained, when any Act or a provision of any Act is referred to in this section or elsewhere in this Act such reference shall be deemed to include any Act or any provision of an Act now or hereafter amending or hereafter substituted for such Act or provision, and any Act or provision amending such substituted Act or provision:

Notwithstanding anything hereinbefore contained, when any Act is referred to in this section or elsewhere in this Act such reference shall be deemed to include all regulations for the time being in force thereunder.

4. (1) From

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Acts in Schedule not to apply within abattoirs area.
Cf. ibid., s. 4.

4. (1) From the date when an abattoirs area is proclaimed, or any area is added to an abattoirs area, the enactments mentioned in the Schedule shall, to the extent mentioned in such Schedule, not apply within such abattoirs area, or such added area, as the case may be.

(2) Nothing in this section shall affect any liability, forfeiture, or penalty incurred, any offence committed, or anything done or omitted to be done, before such abattoirs area is proclaimed, or the addition thereto of such added area, as the case may be, nor any legal proceedings theretofore or thereafter commenced with respect to any such liability, forfeiture, penalty, offence, or thing.

Act to be administered notwithstanding certain Acts.
Ibid., s. 5.

5. Notwithstanding anything contained in the Ordinance No. 8 of 1847, the "Licensed Hawkers Act, 1863," "The Markets Clauses Act, 1870-71," the District Councils Act, the Municipal Corporations Act, or the Health Act, this Act shall be administered by the Boards of the respective abattoirs areas, and so far as the said Acts or any of them are inconsistent with this Act, the provisions of this Act shall prevail.

Application of Act.
Ibid., s. 6.

6. The provisions of this Act shall extend to and have full force and effect within every abattoirs area under this Act.

Exemption of slaughtering for family use.
N.Z. Act 38, 1900, ss. 3 and 4.

7. Nothing in this Act shall operate or be construed to render it unlawful for any person to slaughter stock on land or premises in his own occupation in an abattoirs area, for consumption by persons resident thereon or employed by him, or by animals being thereon, and not for barter or sale: Provided—

i. That it shall not be lawful to knowingly slaughter or allow to be slaughtered, or to be used for human consumption, or for consumption by any carnivorous or omnivorous animal, any stock which is diseased;

ii. That whenever, on the slaughter of any stock, such stock is found to be diseased, the provisions of section 65 shall apply; and

iii. That the rights conferred on any person by this section shall not be exercisable if he fails or neglects to keep a faithful record of all stock slaughtered under this section, or at any time fails or neglects to have such record open to inspection by any inspector of the abattoirs area.

Act not to apply to bacon brought into abattoirs area.
Met. Ab. Act, s. 8.

8. Nothing in this Act shall apply to bacon not derived from swine slaughtered in an abattoirs area, but which is brought into such area from any place outside the same. In this section "bacon" means dried, salted, or smoked flesh of swine, but does not include pickled pork.

PART II. PART II.

ABATTOIRS AREAS AND BOARDS.

Of what area an abattoirs area may consist.

9. (1) An abattoirs area may consist of any continuous area of territory in the said State situated within one or more local government areas: Provided that no part of any municipality shall be included in any abattoirs area unless the whole of such municipality is so included.

(2) No abattoirs area shall consist, either wholly or in part, of territory situated within the present Legislative Council Central Electoral District.

(3) No petition under section 10 shall be valid unless the territory therein defined is in accordance with this section.

Petition for proclamation of an abattoirs area.

10. (1) Subject to section 9, a petition may be presented to the mayor of any municipality praying that a poll be taken on the question whether or not such municipality, or such municipality and any other territory defined in the petition, shall be proclaimed an abattoirs area.

(2) Subject as aforesaid, a petition may be presented to the chairman of the council of any district praying that a poll be taken on the question whether or not such district, or such district and any other territory defined in the petition, or any part of such district defined in the petition, or any part of such district so defined and any other territory also so defined, shall be proclaimed an abattoirs area.

(3) No petition under this section shall be valid unless signed by at least fifty ratepayers assessed in respect of property within the municipality, or the district or part of a district, to the mayor or chairman of which it is presented; and where the territory defined in the petition is situated partly in one local government area and partly within another or other local government areas, no poll shall be taken pursuant thereto, unless valid petitions with the same prayer have been presented to the mayors or chairmen of all the said local government areas.

Poll on question whether area to be proclaimed.

11. (1) Subject to section 10, when a valid petition has been presented thereunder the council of the municipality or district shall, within twenty-eight days after the presentation of such petition cause a poll to be taken of the ratepayers assessed in respect of property within the municipality, district, or part of a district, on the question mentioned in such petition.

(2) Such poll shall be taken in the manner provided by the Municipal Corporations Act (if in a municipality) or the District Councils Act (if in a district) for taking a poll on the question whether or not a loan is to be incurred; and the provisions of the Municipal Corporations Act (if the poll is taken in a municipality) or the District Councils Act (if it is taken in a district) as to a poll on the last-mentioned question, varied, if necessary, to suit the circumstances of the case, and in particular to meet the circumstances of a case where the poll is of the ratepayers of part only of a district, shall apply to the poll taken under this section.

(3) Whenever

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(3) Whenever a poll has been taken under this section the returning officer who presided thereat shall, by certificate signed by him, report the result thereof to the Minister, who shall publish such certificate in the *Gazette*.

(4) The *Gazette* containing such certificate shall, after one month from the publication thereof, be conclusive evidence of the validity of the poll and all matters preliminary thereto and of the result thereof.

If poll favorable area may be proclaimed.

12. (1) If the result of the poll, or the results of all the polls where more than one is required by this Act to be taken on the same question, is or are in favor of the abattoirs area being proclaimed, the Governor may, subject to section 13, proclaim such abattoirs area and define the boundaries thereof, and thereupon such area shall become and be an abattoirs area.

(2) The *Gazette* containing a Proclamation under this section shall, after one month from the publication thereof, be conclusive evidence of the matters stated in the Proclamation and of the validity of the Proclamation and all matters preliminary thereto.

Provisions for Board for an area.

13. (1) Where an abattoirs area consists of one municipality or the whole of one district, and comprises no other territory, the mayor, aldermen (if any), and councillors thereof (if a municipality), or the councillors thereof, including the chairman (if a district), shall be the members of the Board.

(2) In any other case the abattoirs area shall not be proclaimed until evidence has been furnished, to the satisfaction of the Minister, showing that arrangements have been made by the council of the district, part of which is to be the abattoirs area, or between the councils of the various local government areas, which are to be wholly or partly contained within the abattoirs area, as to—

i. The constitution of the Board and the appointment or election of the members thereof; and

ii. All financial matters connected with the abattoir proposed to be erected or used for the purposes of such abattoirs area, and with the execution of this Act within such area;

nor unless such arrangements are in his opinion satisfactory.

(3) In any such case as mentioned in subsection (2) of this section the arrangements therein referred to shall be stated in the Proclamation whereby the abattoirs area is proclaimed.

Petition for extension of area.

14. (1) A petition may be presented to the mayor of any municipality which is contiguous to an existing abattoirs area, praying that a poll be taken on the question whether or not such abattoirs area shall be extended so as to include such municipality.

(2) A petition may be presented to the chairman of the council of any district which is contiguous to an existing abattoirs area, praying that a poll be taken on the question whether or not such abattoirs

abattoirs area shall be extended so as to include such district, or any part thereof which is contiguous to such abattoirs area.

(3) No petition under this section shall be valid unless signed by at least twenty ratepayers assessed in respect of property within the municipality, district, or part of a district, to the mayor or chairman of which it is presented.

Poll on question of extension of area.

15. (1) When a valid petition has been presented under the next preceding section the council of the municipality or district shall cause a poll to be taken of the ratepayers assessed in respect of property within the municipality, district, or part of a district, on the question mentioned in such petition.

(2) All the provisions of subsections (2), (3), and (4) of section 11 shall apply to such poll and the subsequent proceedings.

Proclamation extending an area.

16. (1) If the result of the poll taken under section 15 is in favor of the abattoirs area being extended so as to include the municipality, district, or part of a district in question, the Governor may proclaim that such area is extended accordingly, and thereupon such municipality, district, or part shall become and be part of such abattoirs area: Provided that no Proclamation shall be made under this section until evidence has been furnished to the satisfaction of the Minister showing—

I. That the Board of the existing abattoirs area concerned has consented to the proposed extension; and

II. That arrangements, which in the Minister's opinion are satisfactory, have been made as to—

(*a*) The constitution of the Board and the appointment or election of its members; and

(*b*) All financial matters connected with the abattoir of the abattoirs area, and with the execution of this Act within such area—

after the proposed extension is effected.

(2) Any Proclamation made under this section shall state the matters referred to in subdivisions I. and II. of subsection (1) hereof.

(3) Subsection (2) of section 12 shall apply to the *Gazette* containing a Proclamation under this section.

Amalgamation of areas.

17. (1) Any two or more abattoirs areas may be amalgamated by Proclamation upon petitions in that behalf being separately presented to the Minister by the Boards of the respective areas which it is proposed to amalgamate, and upon the publication of such Proclamation the said abattoirs areas shall become and be an abattoirs area: Provided that no Proclamation shall be made under this section until evidence has been furnished to the satisfaction of the Minister, showing—

I. That the Boards of the several areas have agreed to the amalgamation:

II. The

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II. The terms and conditions upon and subject to which such Boards have agreed to the amalgamation, including agreement as to the position of the abattoir to be used for the amalgamated area: and

III. That arrangements, which in the Minister's opinion are satisfactory, have been made as to—

(*a*) The constitution of the Board and the appointment or election of its members; and

(*b*) All financial matters connected with the amalgamation, with the abattoir of the abattoirs area, and with the execution of this Act within such area—

after the amalgamation is effected.

(2) Any Proclamation made under this section shall state the matters referred to in subdivisions I., II., and III. of subsection (1) hereof.

(3) Subsection (2) of section 12 shall apply to the *Gazette* containing a Proclamation under this section.

Variation of Proclamation.

18. (1) The Governor may by Proclamation annul or vary any of the terms and conditions and arrangements stated in any Proclamation made under section 12, 16, or 17, or add to such terms, conditions, and arrangements, upon evidence being supplied, to the satisfaction of the Minister, that the councils of the local government areas wholly or partly included in the abattoirs area have agreed upon such annulment, variation, or addition.

(2) Subsection (2) of section 12 shall apply to the *Gazette* containing a Proclamation under this section.

Board charged with execution of the Act.
Met. Ab. Act, s. 9.

19. The Board of an abattoirs area shall be charged with the execution of this Act in such area.

Board to be a body corporate.
Ibid., s. 10.

20. (1) The Board of an abattoirs area shall be a body corporate and shall have perpetual succession and a common seal, and shall be designated by the name stated in that behalf in the Proclamation whereby such area is proclaimed.

(2) Such name shall be a part of the common seal of the Board.

(3) The Board by its corporate name may purchase, take, receive, accept, hold, acquire, and possess lands, tenements, and hereditaments (for any freehold estate or for any term of years or otherwise), and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same, and may arbitrate or sue, implead, and answer and be sued, impleaded, and answered in all Courts and before all Judges, Magistrates, and arbitrators whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever, and do and exercise all such further acts and powers as may be done and exercised by virtue of the incorporation, or as are by this Act authorised to be done and exercised.

(4) All

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(4) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall presume that the same was properly affixed thereto.

Election of chairman and term of office.

21. (1) At the first meeting of a Board held during each year of such Board, the members present shall elect one of the members to be chairman of such Board for such year.

(2) Any chairman shall be eligible for re-election, and in any case shall hold office until his successor is elected.

Chairman to preside.

22. (1) The chairman, if present, shall preside at all meetings of a Board. In the absence of the chairman from any meeting or part thereof the members present may elect one of their number to preside as acting chairman during such absence.

(2) The chairman or acting chairman shall have a casting vote only.

Remuneration of members of Board.
Met. Ab. Act, s. 11

23. Each member of an Abattoirs Board may be paid out of the funds of the Board by way of remuneration for his services such (if any) reasonable fees, not being more than One Pound for any meeting or more than Twenty-six Pounds in any year, as are fixed by regulation made by such Board.

Appointment of member of council as member of Board not to disqualify him as a councillor.
Ibid., s. 12.

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

Vacancies, how caused.
Ibid., s. 15 (6).

25. Notwithstanding anything in this Act, the seat of a member of a Board shall become vacant on—

(*a*) The death, lunacy, or insolvency of the member, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound, or the conviction of the member for an indictable offence:

(*b*) Resignation by notice in writing, posted or delivered to the chairman of the Board:

(*c*) Absence of the member from three consecutive meetings of the Board without leave of the Board.

Term of office of members of a Board.
Cf. D.C. Act, 1887, s. 50, and D.C. Act 1904, s. 21.

26. (1) The first members of a Board shall hold office for the first year of such Board.

(2) At the end of every year of a Board which is constituted of an even number of members, half of the members shall retire.

(3) At the end of every year of a Board which is constituted of an uneven number of members, the majority and minority shall retire alternately. (4) The

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(4) The members to retire shall be those who have been longest in office without re-election or reappointment, and when the number cannot thus be made up or decided, lots shall be drawn between those who have been an equal time in office without re-election or reappointment to decide which of them shall retire, and the retirement shall take place accordingly.

(5) In this section "majority" means the integer nearest to, but more than, half the total number of members, and "minority" means the integer nearest to, but less than, half the total number of members.

(6) Members of a Board shall hold office until the election of their successors, and on the expiration of their terms of office shall be eligible for re-election or reappointment.

Meetings of Board.
Met. Ab. Act, s. 26

27. (1) A Board shall meet for the dispatch of business at such places and at such times, not being less than once in every six weeks, as the Board from time to time determines. The chairman, in case of emergency, may call a meeting of the Board; and a special meeting shall be held at any time on requisition in writing signed by not less than three members of the Board delivered to the secretary thereof.

Notice of meetings to be given.

(2) 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 Board 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.

Power to appoint committees.
Ibid., s. 27.

28. A Board may, from time to time, appoint a committee or committees of its members, and may delegate to any such committee such of its powers and duties under this Act as it thinks fit.

Defects in appointment not to invalidate proceedings of Board.
Ibid., s. 28.

29. No act or proceeding of a Board shall be invalidated or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding; and all acts or proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such person had been duly appointed or elected and was qualified to be and to act and vote as a member of the Board, and as if the Board had been fully constituted.

Board shall receive fees, penalties, &c.
Ibid., s. 20.

30. A Board shall receive and recover all fees, dues, and charges, prescribed or otherwise, in respect of anything done or the omission of anything in the abattoirs area of such Board, which are payable under this Act or under any regulations made in respect of such area in pursuance of the powers herein contained; and the receipt of the secretary or other person duly authorised by the Board in this behalf shall be a sufficient discharge for the same; and all penalties under this Act for offences committed within such area or under such regulations shall, when recovered, be paid over to such Board.

31. (1) The

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Secretary and treasurer.
Ibid., s. 13, altered.

31. (1) The Board of an abattoirs area shall, from time to time, appoint some fit person as secretary and treasurer of such Board, and the person so appointed shall be responsible to the Board for the execution of this Act within such area.

(2) Whenever the office of secretary and treasurer becomes vacant the Board shall forthwith make a fresh appointment to the office.

Abattoirs Board to appoint inspectors.
Vic. Act, 1652, 1900 s. 7.

32. (1) The Board of an abattoirs area shall, on being required so to do by the Central Board, appoint for such area inspectors approved by the Central Board, and to such number as in the opinion of the Central Board is necessary for carrying out the duties of inspectors under this Act.

(2) An inspector appointed for one abattoirs area may also, with the approval of the Central Board, be appointed for one or more other abattoirs areas.

(3) An inspector may at any time be removed by the Governor on the recommendation of the Central Board; but no such recommendation shall be made unless the Abattoirs Board has first had an opportunity of showing cause to the Central Board why such inspector should not be removed.

(4) The appointment, removal, resignation, or death of any inspector shall forthwith be notified by the Abattoirs Board to the Central Board, and be published by the Abattoirs Board in the *Gazette*.

Central Board may appoint inspectors in default of Board.
Ibid., s. 8.

33. (1) If any Board does not, within two months after it has been required so to do by the Central Board, appoint an inspector or inspectors for its abattoirs area, the Central Board may appoint an inspector or inspectors to the required number for such area, to hold office until the Abattoirs Board makes the required appointment or appointments.

(2) Whenever a vacancy occurs in the office of an inspector for an abattoirs area, the Board thereof may appoint a suitable person as acting inspector, and in default of such appointment being made within seven days after the occurrence of such vacancy, the Central Board may make such appointment of acting inspector; and every acting inspector shall, until the appointment of an inspector to fill the vacancy, have and exercise all the powers, duties, and responsibilities of an inspector appointed pursuant to this Act.

(3) If the Central Board appoints an inspector or acting inspector for an abattoirs area, the Central Board may fix the rate of salary and expenses to be paid by the Board of the abattoirs area to the person so appointed; and such salary and expenses may be recovered from such Board by the person so appointed in any court of competent jurisdiction.

Appointment of superintendent and other officers.

34. (1) The Board of an abattoirs area shall from time to time appoint some fit person as superintendent of the abattoir of such area, and whenever the office of superintendent becomes vacant, the Board

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N.Z. Act 38, 1900, s. 18 (1) and (2). Met. Ab. Act, s. 21, altered.

Board shall forthwith make a fresh appointment to the office. The superintendent shall be responsible to the Board for the general management of the abattoir.

(2) Such Board may also appoint such other officers and servants (not being members of the Board) as they deem necessary for enabling the Board to carry into execution the various powers and duties vested in or imposed on it by virtue of this Act, or may join with any other Board or Boards in the appointment of any such officers and servants upon such terms and conditions as are agreed between the Boards concerned.

Payment of salaries. Cf. ibid., s. 22.

35. A Board may pay to every person appointed or employed by the Board, or by the Board and any other Board or Boards, such allowance, salary, wages, or professional fees as are reasonable and proper, and may pay the premiums on the fidelity and workmen's compensation insurance policies of or in respect of its officers and servants.

Travelling expenses may be paid. Ibid., 23.

36. A Board may pay the travelling expenses of members of the Board or of its officers and servants when engaged on the business of the Board.

Execution of deeds and intruments. Ibid., s. 26.

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

Minute-book to be kept. Ibid., s. 27.

38. Every Board shall keep a minute-book in which the proceedings of each meeting of such Board 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 (if correct) at the next subsequent meeting of the Board.

Custody of books and documents. Ibid., s. 28.

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

Appointment of auditors. Ibid., s. 29.

40. (1) There shall be two auditors appointed by the Board of any abattoirs area, one of whom shall retire at the end of each year.

(2) Members of the Board and members of the council of any municipality or district within, or partly within, the abattoirs area shall not be eligible for appointment as auditors.

(3) The auditors shall be paid such remuneration as the Board thinks fit.

Proper books of account to be kept. Ibid., s. 30.

41. The secretary and treasurer of a Board 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 Board, which books shall

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shall at all times be open to the inspection of the chairman of the Board, any member of the Board, the auditors, and the mayor or chairman of every local government area within or partly within the abattoirs area, and any person appointed for that purpose in writing by any such mayor or chairman.

Accounts to be balanced each year and audited.

Ibid., s. 31.

42. (1) The accounts of every Board shall be balanced at least once in every year of the Board, and be drawn up in such form as to distinguish capital from income, with a statement of profit and loss for the year, and shall, within thirty days next after the end of each year, be prepared by the secretary of the Board and delivered to the auditors for examination.

(2) The auditors shall carefully examine such accounts and balance-sheet with the books, papers, and vouchers of the Board, and shall cause the same to be corrected or altered whenever found necessary; and, for the purpose of completing such audit, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors have been appointed.

Balance-sheet to be published.

Ibid., s. 33.

Cf. D.C. Act, 1887, s. 62.

43. After the end of each year of a Board, an account of all moneys received and expended by the Board by virtue of and for the purposes of this Act, signed by the chairman and secretary of the Board and certified by the auditors, specifying the total sum received from each source of income, and the total revenue during the year, and the total amounts disbursed under each head of expenditure, and the total outlay during the year, made up to the end of the year, shall, within one month after the auditors have certified the same, be published by the Board in at least one newspaper circulating in the abattoirs area and in the *Gazette*.

PART III

PART III.

ESTABLISHMENT OF ABATTOIRS—EXPENSES AND REVENUE.

Duty of Board to establish and maintain abattoirs.

Cf. N.Z. Act 38, 1900, ss. 5 and 6.

44. It shall be the duty of the Board of an abattoirs area, within one year after such area has been proclaimed, or within such longer period as allowed by the Minister, to establish an abattoir for the purposes of such area.

Plans and site to be approved.

Ibid., s. 8.

Cf. M.C. Act, 1903, s. 15.

45. No abattoir shall be established under this Act—

I. On any park lands or public reserve or land subject to the public right of way, nor

II. Until the plans and specifications and site thereof have been approved by the Minister.

46. (1) The

PART III.

Expense of establishing abattoir.

Cf. N.Z. Act 38, 1900, ss. 9 and 10, and Vic. Act 1652, 1900, s. 14 (1) and (2).

46. (1) The expense of establishing an abattoir for the purposes of an abattoirs area, including the expense of acquiring land therefor, acquiring or erecting buildings and appurtenances, providing plant, and generally equipping, maintaining, and managing such abattoir, and all moneys payable as compensation under section 57, shall be defrayed by the council or councils of the local government area or areas included, or partly included, within the abattoirs area.

(2) For the purpose of carrying out the provisions of this section such abattoir, land, buildings, appurtenances, plant, equipment, and compensation (but not the maintenance or management of the abattoir) shall be deemed to be works and undertakings, or permanent works and undertakings, authorised to be carried out by such council or councils under the Municipal Corporations Act or under the District Councils Act (according to the locality); and such council or councils may declare any rates and borrow such money as may be necessary for such purpose after obtaining the consent of ratepayers in the manner provided by the Municipal Corporations Act or the District Councils Act (according to the locality) for obtaining the consent of ratepayers to a special rate: Provided that where part only of a district is included in the abattoirs area the works and undertakings authorised by this Act shall be deemed to be for the benefit of such part only.

Abattoirs need not be within the area.

Cf. N.Z., 38, 1900, s. 14.

47. The Board of an abattoirs area may establish an abattoir either within or without such area: Provided that the Board shall not establish an abattoir at any place without such area until the consent of the council of the local government area within which such place is situated has been obtained, or, if such consent is not given within one month after a request in writing therefor, or such place is not situated within any local government area, until the consent of the Minister has been obtained, which consent the Minister is hereby in any such case authorised to give: Provided also that the Minister shall not exercise this power, in case the consent of such council is not given, until such council has been afforded a reasonable opportunity of showing why the same should not be given.

How revenue to be applied.

Met. Ab. Act, s. 40, altered.

48. (1) All revenue derived by a Board in any year of such Board from the abattoir established for its abattoirs area and from other sources, shall, so far as practicable, be expended and disposed of by the Board as follows:—

Firstly, in payment of actual expenses:

Secondly, in payment of interest on moneys borrowed by any council or councils for the purposes of the abattoir:

Thirdly, in payment of any amounts the Board considers necessary for upkeep, maintenance, and repairs of the abattoir and other works under the control of the Board:

Fourthly, in establishing a sinking fund which shall be sufficient to repay all moneys expended in plant and machinery within

a period of not more than fifteen years, calculated from the last day of the respective years of the Board in which the respective expenditures take place, and to repay the whole of the said borrowed moneys within a period of not more than forty-two years from the respective dates of the respective borrowings:

Fifthly, in paying the balance of such revenue (which balance shall be considered profits) to the council of the local government area of which the abattoirs area consists, or, in case such area includes territory beyond one local government area, in dividing the same amongst the constituent corporations in accordance with the arrangement for the time being in force pursuant to Proclamation with respect to such area: Provided that the Board may in any year carry one-third of such profits to a reserve fund.

(2) The Board may expend the reserve fund, or any part thereof, in any manner it deems advisable, and may divide the same, as profits, as aforesaid.

(3) The Board shall, for the purposes of this section, determine what are "actual expenses," "upkeep," "maintenance," "repairs," "profits," "plant," and "machinery," and its determination shall be final and conclusive for all purposes.

(4) The Board may pay out of moneys borrowed by any council or councils for the purposes of the abattoir the interest accruing thereon during all or any part of the period of three years after the abattoirs area is proclaimed.

Sinking fund.

Ibid., s. 49.

49. Every Board shall invest its sinking fund and its reserve fund, and any other moneys in its hands which such Board deems it advisable or expedient to invest, in any Government securities of all or any one or more of the States of the Commonwealth of Australia, or upon fixed deposit in any incorporated bank in the State of South Australia, or in or upon any one or more of such investments. The interest arising from such investments shall respectively be credited to and form part of the respective funds so invested as aforesaid.

Banking account.

Ibid., s. 49.

Overdrafts.

50. (1) A Board may pay any of its moneys into any bank in Adelaide or in the abattoirs area and keep the same there on deposit as may be found convenient, and may, for the purposes of carrying out the provisions of this Act, obtain advances from any bank by overdrafts, either without security, or by pledge of its property, or on other security; but the total amount of such overdrafts shall not at any one time exceed an amount equal to Eight Pounds per centum of the value for the time being of the abattoir and the appurtenances thereof, including the plant and machinery therein or used for the purposes thereof.

(2) No funds shall be withdrawn from any bank except by cheque, signed by the chairman and one other member of the Board, and countersigned by the secretary thereof.

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REGISTRATION OF ABATTOIR AND EFFECTS THEREOF.

Registration of abattoir.
N.Z. 38, 1900, s. 12.

51. (1) Upon the completion of an abattoir, the Board of the abattoirs area shall, in the manner prescribed by regulation made by the Governor, apply to the Minister for the registration thereof, and he, if satisfied that the requirements of this Act have been duly complied with and if the Central Board consents to the registration of the abattoir, shall in the manner prescribed as aforesaid register such abattoir as the abattoir of such area, and also the Board as the Board controlling the same, and shall issue to such Board a certificate of registration.

Cf. Met. Abattoirs Act, s. 90.

(2) It shall not be necessary for an abattoir so registered to be licensed or registered under the Health Act or the Municipal Corporations Act or the District Councils Act, but, subject to this Act, the provisions of the Health Act shall in other respects apply to such abattoir.

Notice that abattoirs available.
Ibid., s. 63.
N.Z. 38, 1900, s. 13.

52. Forthwith upon receiving such certificate of registration of the abattoir the Board shall give not less than thirty days' public notice that such abattoir has been duly registered and will be available for the slaughtering of stock on and after a date to be specified in such notice, being not earlier than fourteen nor later than twenty-eight days after the publication of the latest of the advertisements constituting such notice; and it shall be the duty of the Board to have such abattoir available accordingly, and thereafter to so maintain it as long as such certificate continues in force.

All stock to be slaughtered at abattoirs.
Ibid., ss. 17 and 19.
Met. Abattoirs Act, s. 54 (1), part.

53. (1) After the date specified in such notice, and while such abattoir is available for slaughtering stock no person shall within the abattoirs area—

(*a*) Except at such abattoir, slaughter or allow or cause to be slaughtered any stock for sale for human consumption; or

No stock to be slaughtered except at the abattoirs.

(*b*) Except at such abattoir, dress or allow or cause to be dressed any carcass for sale; or

No meat to be sold, etc., except of stock so slaughtered.

(*c*) Sell or attempt to sell or expose for sale, or allow or cause to be sold or exposed for sale, any carcass or meat which—

Unless carcasses inspected.

I. If slaughtered within the abattoirs area, was not slaughtered at such abattoir, or—

II. If slaughtered without the abattoirs area, the carcass of which (together with the pleura and the peritoneum, lungs, heart, kidneys, tongue, and such other organs as are prescribed, attached in natural connection, and, in the case of cows, with the udder also so attached) has not been first brought to the abattoir, and inspected and branded by an inspector, as provided by section 74; or

(*d*) Sell

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(*d*) Sell or attempt to sell, or expose for sale, or allow or cause to be sold or exposed for sale the flesh of any calf less than twenty-one days old or of less weight than forty pounds; and in any prosecution under this provision the onus of proving age shall be on the defendant; or

No flesh of any calf less than twenty-one days old or under forty pounds in weight to be sold.

Ibid (2).

(*e*) Slaughter or allow or cause to be slaughtered at such abattoir any sheep or lamb knowing that the carcass thereof is intended to be exported except on the request, in writing, of the Minister controlling the Government Produce Export Department; or

Vict. Act 1652, 1900, s. 30 (2).

New.

(*f*) Export the carcass of any sheep or lamb slaughtered at such abattoir except on the request, in writing, of the Minister controlling the Government Produce Export Department; or

New.

(*g*) Slaughter or cause or allow to be slaughtered at any slaughter-house or abattoir exempted under section 56 any stock, except for export or for meat to be tinned or cured for export, or for curing as bacon and ham.

Met. Ab. Act 1908, s. 54 (1), part.

Penalty—First offence, Ten Pounds; second offence, Twenty-five Pounds; and each subsequent offence, Fifty Pounds.

(2) For the purposes of this section the abattoir shall be deemed to be available for slaughtering stock at all times except during such times as the Board by public notice declares such abattoir to be closed against the slaughtering of stock.

Ibid. (6).

(3) Where, in contravention of the provisions of subsection (1) of this section, any person sells or attempts to sell, or exposes for sale, or allows or causes to be sold or exposed for sale the whole or any part of the carcass of any calf, such carcass or part shall be deemed to be a carcass or meat which is subject to the provisions of section 62 of this Act, and may be seized and dealt with as provided in such section.

Ibid. (3).

(4) No person shall be liable to any punishment for any offence against this section in respect of any meat or carcass, or part of a carcass, which he proves to the satisfaction of the Court was not sold or intended to be used for human consumption.

Ibid. (4).

(5) Nothing in this Act shall protect any person who sells or attempts to sell or expose for sale, or allows or causes to be sold or exposed for sale, for human consumption, any carcass or meat which has become unwholesome after the same has been branded, or any imported meat which is unwholesome.

Ibid. (5).

(6) It shall not be an offence under this Act to slaughter poultry in an abattoirs area elsewhere than at the abattoir, or to sell or expose or offer for sale within the abattoirs area any poultry so slaughtered.

No offence to slaughter poultry elsewhere than at abattoirs.

Ibid. (7).

54. (1) When one abattoirs area is contiguous to another abattoirs area, the Boards of such areas may agree together that carcasses and meat slaughtered, or inspected and branded, as required by section 53 at the abattoir of either of such areas may be sold in both of such areas without further inspection or branding.

Arrangements where two areas are contiguous.

(2) In

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(2) In default of such agreement being made, any butcher carrying on business in both the said areas may apply in writing to the Minister for the grant of a permission as hereinafter mentioned; and the Minister may, by writing signed by him, grant permission for such butcher to sell in both of such areas carcasses and meat slaughtered or inspected and branded at the abattoir of either of such areas without further inspection or branding.

(3) Anything done in pursuance of an agreement made or permission granted under this section shall be lawful, notwithstanding any provision of this Act to the contrary.

Sheep and lambs slaughtered for export and rejected may be sold in area if carcasses inspected and branded.

New.

No. 16 of 1905 (Commonwealth).

55. (1) Notwithstanding anything in section 53 it shall be lawful for any person to expose for sale and to sell within an abattoirs area any carcass, or the meat of any carcass, of any sheep or lamb which has been slaughtered for export at any slaughter-house or abattoir exempted under section 56, or at premises of the South Australian Government Produce Export Department, and has been rejected, if such carcass has been first inspected and marked by an officer of Customs under the (Commonwealth) Commerce (Trade Descriptions) Act, 1905, or any Act amending or substituted for that Act, and has been subsequently inspected and branded by an inspector of the Board of such abattoirs area.

Fees for inspection and branding.

(2) For the inspection and branding by an inspector of the Board of an abattoirs area of rejected carcasses as mentioned in subsection (7) of this section the owner or occupier or person having the control of an exempted slaughter-house or abattoir, or of premises of the Government Produce Export Department, shall pay to the Board such fee, not exceeding one-eighth of a penny, for every carcass inspected as the Board demands, or, in all cases where the Minister controlling the Government Produce Export Department and the Board are not satisfied that the sheep or lambs were slaughtered with the *bonâ fide* intention of exporting the carcasses thereof, such fee per carcass as is from time to time fixed by the Board and approved by the said Minister. The fees so payable shall be paid to the Board upon demand, and may be recovered by action in any Court of competent jurisdiction, or by complaint under the Ordinance No. 6 of 1850, or any Act relating to the duties of Justices of the Peace as to summary proceedings.

Private abattoirs closed.

Met. Ab. Act, s. 55.

56. (1) On the day specified in the notice given by a Board pursuant to section 52 every private abattoir or slaughter-house within the abattoirs area shall be closed by the owner, occupier, or person having the control or management thereof, notwithstanding the fact that a licence in respect thereof has been issued by any corporation or council or by any Board of Health. And after such day specified as aforesaid no corporation or council shall, nor shall any Board of Health, except in such a case as hereafter by this section exempted, issue any licence or licences for the slaughtering of stock within such area: Provided that slaughter-houses and abattoirs used or intended to be used only for the purpose of slaughtering

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slaughtering stock for export, or for meat to be tinned or canned for export, or for curing bacon and hams are exempted from the operation of this section.

(2) If after notice has been given by a Board pursuant to section 52 the abattoirs area is extended by Proclamation under this Act, the provisions of this section shall apply within the territory added by such extension upon the publication of such Proclamation in the *Gazette*.

Compensation to owners of slaughter-houses.
Ibid., s. 56.

57. (1) Compensation shall be paid to the owners of all private abattoirs and slaughter-houses within an abattoirs area which are closed by the operation of section 56, and which were in use as abattoirs or slaughter-houses at the time when such area was proclaimed, or, as regards any territory subsequently added to such area, at the time of the publication of the Proclamation whereby the extension of the area is made: Provided that—

i. No compensation shall be paid in respect of any abattoir or slaughter-house which is not suitable for use as such;

ii. In estimating the compensation to be paid in respect of any abattoir or slaughter-house a fair deduction shall be made on account of the value of the buildings and equipment thereof for any other purpose; and

iii. Nothing shall be allowed for goodwill or loss of business.

Claims for compensation to be made within twenty-one days.

(2) No claim for compensation shall be considered, nor shall any amount be paid in respect thereof, unless within twenty-one days after the publication in the *Gazette* of the notice given pursuant to section 52, or of the Proclamation whereby the extension is made (as the case may be), the claimant delivers to the secretary of the Board a notice in writing, stating the amount and particulars of his claim and the premises in respect of which such claim is made.

Valuer to be appointed by the Government.

(3) The Minister shall, as soon as practicable after the publication of such notice given pursuant to section 52, or of the Proclamation whereby the extension is made (as the case may be), appoint a valuer to determine all claims for compensation made in accordance with this section in respect of premises in the abattoirs area, or the added territory (as the case may be). The fees and expenses of such valuer shall be fixed by the Minister and paid by the Board.

Duties of valuer.

(4) The valuer shall consider and inquire into all claims made as aforesaid, and shall as to each claim determine, by writing under his hand delivered to the Minister, whether any and (if any) what amount is payable under subsection (1) of this section in respect thereof.

Valuer to determine reductions in rent.

(5) If any abattoir or slaughter-house in respect of which the valuer determines that compensation is to be paid is let at the time of the determination, the valuer shall also determine, by writing under his hand delivered to the Minister, what (if any) reduction ought to be made in the rent; and the rent accrued or to accrue for any

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any period after the closing of the abattoir or slaughter-house shall be reduced accordingly: Provided that—

i. If any reduction is made under this subsection in the rent of any premises, the lessor or his successor in title shall be entitled to cancel the lease, and

ii. In any case the lessee or his successor in title shall be entitled to surrender the lease and to have the surrender accepted.

No appeal from determination.

(6) Any determination by the valuer under subsection (4) or (5) of this section shall be absolutely final and not subject to any appeal or to be questioned in any way whatever.

Slaughtermen to be licensed by Board.
Ibid., s. 57.

58. No person shall act or be permitted to act as slaughterman, or as attendant or assistant to any slaughterman, at the abattoir of any abattoirs area unless and until and except so long as he is licensed by the Board of such area. The licence shall be granted for a period of not more than one year, and the fee for a slaughterman's licence shall not exceed Two Pounds Two Shillings, and for an attendant's or assistant's licence shall not exceed Ten Shillings; and no person under the age of seventeen years shall be licensed as a slaughterman's attendant or assistant: Provided that the Board may employ slaughtermen, attendants, and assistants at the abattoir without licensing them.

Penalty, Ten Pounds.

Licence may be cancelled by Board.
Ibid., s. 58.

59. (1) Any licence issued under section 58 may be cancelled by the Board which issued the same if the licensee omits forthwith to report to an inspector of the abattoirs area any case of disease which manifests itself in any stock slaughtered by such licensee, or for incapacity, misconduct, insobriety, or dirty habits.

(2) The secretary of the Board may at any time suspend, until the next meeting of the Board, the operation of the licence of any licensee whom he considers incapable, or guilty of misconduct, insobriety, or dirty habits.

Slaughtermen to report disease discovered in stock.
Ibid., s. 59.

60. If any slaughterman employed by the Board discovers any disease in any stock slaughtered by him, and fails forthwith to report the same to an inspector of the abattoirs area, he may be instantly dismissed by the secretary of the Board, and shall, in addition thereto, be liable to a penalty of Ten Pounds.

Inspection of live-stock and carcasses.
Ibid., s. 60 (part).

61. For the purpose of preventing the consumption of meat that is diseased—

i. It shall not be lawful for any person to slaughter any stock at the abattoir of an abattoirs area except with the consent and in the presence of an inspector of such area:

ii. If the carcass of any stock slaughtered at the abattoir is, after *post-mortem* examination, found to be diseased, notice thereof in writing shall be given to the owner or his servant or agent, as soon as practicable:

iii. Forthwith

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iii. Forthwith, upon the slaughter of any stock at the abattoir, the carcass shall be inspected by an inspector, and no meat shall be moved therefrom unless and until he declares it to be free from disease, or unless as hereafter in this Act provided.

Penalty, Fifty Pounds for each offence.

Mode of dealing with diseased stock after slaughter.
Ibid., s. 61.
N.Z. 38, 1900, s. 35.

62. Whenever, on the slaughter of any stock at the abattoir of an abattoirs area, it is found that such stock is diseased, it shall be the duty of an inspector of the abattoirs area to forthwith cause the carcass, or such part thereof as such inspector deems advisable, to be burnt or so dealt with that the same cannot be used for consumption by human beings or by carnivorous or omnivorous animals; and the Board shall make such allowance to the owner of such stock as it considers just in all cases where such carcass is treated by the Board as a by-product.

Compensation fund for condemned stock.
Ibid., s. 36.

63. (1) If a majority of the butchers carrying on business in an abattoirs area agree to raise a fund by their own contributions to provide compensation in respect of the condemnation of the carcasses of diseased stock or parts thereof, they may submit such agreement to the Minister for approval.

(2) If the Minister approves of the terms of the agreement, and is satisfied that the subscribers thereto are a majority of the butchers carrying on business in such area, the Governor may by Proclamation declare that the agreement shall be binding on all the butchers carrying on business in such area, and such Proclamation shall operate accordingly.

(3) Any contribution payable in respect of such agreement may be recovered from any butcher liable to pay the same by action in any Court of competent jurisdiction, which action may be brought by any other butcher in such area in his own name on behalf of himself and the other butchers in such area.

(4) The Governor may make regulations for carrying the provisions of this section into effect.

Prohibition against slaughtering for feeding animals.
Met. Ab. Act, s. 62.

64. After the day specified in the notice given pursuant to section 52 with respect to an abattoirs area, no person shall within such area—

(*a*) Keep or use any house or place, except as provided by section 56 hereof, for the purpose of slaughtering or killing any stock or for boiling down any part of the carcass of any stock for food for carnivorous or omnivorous animals; or

(*b*) Feed any carnivorous or omnivorous animal with any part of the carcass of any stock which has not been slaughtered at the abattoir, whether the same has been boiled down or not; or

(*c*) Sell

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(*c*) Sell or supply for food for carnivorous or omnivorous animals any part of the carcass of any stock not slaughtered at the abattoir, whether boiled down or not.

Penalty—First offence, Ten Pounds; each subsequent offence, Twenty-five Pounds.

Duty of owners, &c., of stock dying.
Ibid., s. 63.

65. After the day specified in the notice given pursuant to section 52 with respect to an abattoirs area, the owner or person in charge of any stock which dies within such area, or, except pursuant to section 7, is killed at any place within such area other than at the abattoir, shall, within twenty-four hours from the death or killing of such stock—

(*a*) Convey the carcass of such stock to the abattoir to be disposed of as an inspector directs; or

(*b*) Apply to an inspector of such area for leave to bury the carcass of such stock.

If such leave is granted he shall bury the carcass as directed by and under the supervision of an inspector, and if not he shall deal with the carcass under the inspector's supervision, or permit the inspector to deal therewith in such manner as the inspector directs.

Penalty—First offence, Ten Pounds; each subsequent offence, Twenty-five Pounds.

Carcasses slaughtered to be branded.
Ibid., s. 64.
N.Z. 38, 1900, s. 37.

66. (1) The Board of an abattoirs area shall from time to time cause all carcasses (except carcasses of diseased stock) slaughtered at the abattoir, and the part of any carcass removed therefrom, to be branded as may appear expedient.

Unbranded carcasses not to be sold or exposed for sale.

(2) Any person who sells or exposes for sale within an abattoirs area a carcass or part of a carcass which has not been branded as required by this Act, shall be liable to a penalty of Fifty Pounds.

Unlawful branding or defacing brands.
Met. Ab. Act, s. 65.
Vic. Act, 1652, 1900, s. 33.

67. Any person who, without being able to give a satisfactory account thereof, affixes or implants, or attempts to affix or implant, or causes or allows to be affixed or implanted any brand purporting to be a brand under this Act upon any carcass or meat, and any person who, without being able to give a satisfactory account thereof, removes or defaces or attempts to remove or deface, or causes or allows to be removed or defaced any brand placed on a carcass pursuant to this Act, shall be liable to a penalty not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding twelve months.

Buildings may be entered where stock or carcass is supposed to be.
Met. Ab. Act, s 66.

68. (1) Any officer of the Board of an abattoirs area, any inspector of such area, any member of the police force, or any special constable or district constable may at any time enter into and upon any place, building, or premises in such area where any stock or carcass is or may be supposed to be, and any such officer, inspector, member, or constable may, for the purposes of identification, make such

such mark as he deems fit on any carcass or meat in respect of which he is of opinion that any provision of this Act is not being fully complied with.

(2) Any person who, without the authority of an inspector of the abattoirs area, removes or defaces any such mark, shall for each such offence be liable to a penalty not exceeding Twenty-five Pounds.

Power to seize unbranded carcasses.

Ibid., s. 67.

Vic. Act, 1652, 1900, s. 43.

69. (1) Any officer of the Board of an abattoirs area, any inspector of such area, any member of the police force, or any special or district constable may seize any carcass in such area that does not appear to him to have been branded, or any meat in such area that does not appear to him to be derived from a carcass that has been branded, in case the carcass or the meat is either exposed for sale or in the possession of any person, apparently for the purpose of human consumption, and such officer, inspector, member, or constable, if he thinks it desirable so to do, may remove any carcass or meat so seized.

Person affected may make complaint.

(2) Any person claiming any carcass or meat so seized may, within forty-eight hours after such seizure, complain thereof to any Justice, and such complaint may be heard and determined before a Special Magistrate or any two Justices, who may either confirm or disallow such seizure, and may, if such seizure is confirmed, order the carcass or the meat seized to be destroyed, and may make such order as regards costs as he or they think just.

Onus of proof.

(3) The onus of proof that any carcass or meat seized was not intended for sale for human consumption, or that it had been branded or formed part of a carcass that had been branded in accordance with the provisions of this Act, shall be upon the complainant.

Where no complaint, carcass to become the property of the Board.

(4) In the event of no such complaint being made within forty-eight hours after such seizure, or of such seizure being confirmed, the carcass or the meat as to the seizure of which no complaint has been made, or the seizure of which has been confirmed, shall thereupon become the property of the Board: Provided that any carcass or any meat condemned by any inspector shall be disposed of as provided in section 62 hereof, or as the secretary of the Board directs.

Offence for removing carcass without authority.

(5) In the event of any person without the authority of the Board removing or taking away any carcass or meat so seized, such person, in addition to any other punishment to which he may be liable, shall be guilty of an offence against this Act.

Penalty for refusing information.

Met. Ab. Act, s. 67 (6).

70. Any person who refuses to give information, or gives false information, in answer to any inquiry made in the exercise or discharge of any power or duty under this Act by any inspector or officer of an abattoirs area, or any member of the police force, or any special or district constable, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding Five Pounds.

Members of police force to report breaches of Act.

Ibid., s. 67 (7).

71. (1) It shall be the duty of every member of the police force and every special or district constable who finds any person committing

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mitting any breach of any of the provisions of this Act to demand from such person his name and place of abode, and to report the fact of such breach and the name and place of abode of such person as soon as may be to the secretary of the Board of the abattoirs area wherein such breach was committed.

Penalty for refusing name and address.

(2) Any person who refuses to state his name and place of abode on demand as aforesaid, or states a false name or place of abode, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding Ten Pounds.

Board may deliver or contract for the delivery of meat.
Ibid., s. 68.

72. Any Board may deliver or contract for the delivery of meat slaughtered at the abattoir of its abattoirs area for such remuneration and upon such terms as it thinks fit.

Blood, &c., to be rendered merchantable.
Ibid., s. 69.

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

Meat slaughtered without abattoirs area to be inspected at abattoir.
Ibid., s. 70.

74. It shall be the duty of every Board to cause all carcasses slaughtered without its abattoirs area, and brought to the abattoir for examination, to be examined by an inspector, upon payment of such reasonable fees as are from time to time fixed by the Board; and if upon such examination such carcasses are found to be free from disease the inspector shall give a certificate in writing to that effect, and brand the same, but if found to be diseased the same shall be retained and disposed of in manner mentioned in section 62: Provided that—

I. No such examination shall be made, or certificate given, or brand implanted in respect of any such carcass unless there is attached thereto in natural connection when brought for examination the pleura and the peritoneum, lungs, heart, kidneys, tongue, and such other organs as are prescribed, and, in the case of cows, the udder also:

II. For the purpose of such examination the carcasses of stock (with the exception of calves) may be cut in halves.

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POWER TO TAKE LAND.

Power to take land compulsorily.
Ibid., s. 75.

75. For the purposes of this Act a Board may compulsorily take land within its abattoirs area (except park lands or public reserves or lands subject to the public right of way), and with the consent of the Governor, land in any part of the said State.

Certain provisions of the M.C. Act 497 of 1890 to apply.
Ibid., s. 76, altered.

76. Sections 300 to 306, both inclusive, of "The Municipal Corporations Act, 1890," shall, *mutatis mutandis*, apply in all cases where a Board requires land for the purposes of this Act as if such sections were set out in this Act, and as if the Board were the corporation of

of a municipality, and whether such land is or is not situated within a municipality. Provided that for the purposes of this section the following expressions in the said sections shall have the following meanings—"Corporation" shall mean "Board of any abattoirs area," and "Council" shall mean "Board." PART V.

77. The Lands Clauses Consolidation Acts, except sections 110, 114, 115, 116, 117, and 118 of the Ordinance No. 6 of 1847, are incorporated with this Act, and shall take effect with regard to all works and undertakings which a Board is by this Act authorised to construct, and the Board taking lands for such purposes shall be regarded as the promoters of an undertaking and this Act as the special Act within the meaning of such incorporated Acts: Provided that for the purposes of section 13 of the Act No. 202 of 1881 there shall be deemed to be no such special Act. Lands Clauses Consolidation Acts incorporated

Ibid., s. 77.

PART VI.
REGULATIONS.

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78. (1) The Governor may from time to time make regulations prescribing the duties and powers of inspectors appointed under this Act, and all such other regulations as are by this Act contemplated or required to be made, or as may be necessary or convenient for carrying into effect all or any of the objects and purposes expressed or implied by this Act, or any thing incidental to or in any way connected with such objects and purposes or any of them. Regulations made by the Governor.

(2) Regulations made by the Governor shall, so far as their respective natures will admit, apply to all abattoirs areas under this Act and to all abattoirs registered under this Act, except in any case where a contrary intention is expressed in or with respect to any such regulation.

(3) Any regulation made by the Governor may impose a penalty, not exceeding Twenty Pounds, for the breach or non-observance of the same or any other regulation so made, and, in the case of a continuing breach, may impose an additional penalty, not exceeding Two Pounds, for each day that the breach is continued beyond the day when the breach commences.

79. (1) The Board of any abattoirs area may from time to time make such regulations as are contemplated or required by this Act to be made (except such as are to be made by the Governor), or as may be necessary or convenient for the purpose of carrying into effect all or any of the objects and purposes expressed or implied by this Act, or anything incidental to or in any way connected with such objects and purposes or any of them; and, without limitation of or derogation from the foregoing general power, it is hereby declared that the Board may make regulations for all or any of the following purposes:— Regulations made by Boards.

Met. Ab. Act. s. 81.

Vic. Act, 1652, 1900, ss. 44 and 29.

i. Prescribing the conditions on which stock may be received into or supplied or removed from the abattoir:

ii. Prescribing

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II. Prescribing the duties of inspectors, superintendents, clerks, mechanics, slaughtermen, and other officers and servants of the Board, and for regulating and enforcing the due performance of such duties:

III. Licensing and registering persons engaged in tending and slaughtering stock, and in dressing carcasses at the abattoir:

IV. Prescribing the times for slaughtering stock:

V. Providing for the feeding, watering, and tending, and the preventing of cruelty to and overcrowding of stock at the abattoir, and for the milking of milch stock at the abattoir:

VI. For the examination of stock and carcasses by inspectors and veterinary surgeons, and prescribing the mode of dealing with stock at the abattoir when suspected of being affected with disease, and of dealing with carcasses and meat found to be so affected:

VII. Prescribing the mode of slaughtering animals and of flaying and dressing carcasses:

VIII. For the examination by inspectors of the different parts of a carcass after slaughter at the abattoir, and for preventing the parts of one carcass being mixed with those of another prior to examination:

IX. For the examination by inspectors of carcasses slaughtered without the abattoirs area, and for prescribing what organs must be attached to such carcasses of various animals, and how attached:

X. For the branding or marking of carcasses and of any parts thereof:

XI. Fixing the rates of slaughtering fees and of dues payable for the use of the abattoir, and of sustenance fees for stock:

XII. Fixing the fees for examining stock, for examining and branding of carcasses, and for giving certificates as to any examination of stock or any carcass or meat made by or under the direction of an inspector:

XIII. Prescribing the mode of removing condemned carcasses or meat and of rendering the same unusable for human consumption, or for consumption by carnivorous or omnivorous animals, and of disposing of or destroying the same, and the fees payable in respect thereof:

XIV. Prescribing the mode of removing, dealing with, and disposing of blood, offal, garbage, refuse matters, and manure from the abattoir, and the disposal of hides, skins, hair, hoofs, and horns of stock slaughtered thereat:

XV. For

xv. For securing the cleanliness and wholesomeness of carcasses or meat from the time of slaughtering the stock until the delivery of the same to the retail buyer:

xvi. For securing the cleanliness and wholesomeness of casings used in the making up of small goods, and for preventing the admixture in small goods of substances deleterious to health:

xvii. For maintaining the cleanliness of the abattoir and of appliances used thereat, and the cleanliness of the clothing of persons engaged therein or slaughtering or dressing carcasses therein:

xviii. For preventing persons affected by or who have been in contact with communicable disease from being employed in the handling of carcasses or meat:

xix. For stopping temporarily the manufacture of and the sale of small goods in circumstances in which danger to the consumer is apprehended owing to uncleanliness, or to the presence of infection or contagion on, about, or near the premises where such manufacturing or sale is carried on:

xx. For maintaining the cleanliness of meat markets, meat stalls, butchers' shops, small goods manufacturing houses, and places used for selling, preserving, freezing, chilling, or storing meat, and premises appurtenant to any of such markets, stalls, shops, houses, places, and premises, and of appliances used thereat, and for the removing of blood, offal, garbage, refuse matters, and manure therefrom, and for maintaining the cleanliness of vehicles and receptacles used for conveyance of carcasses or meat:

xxi. For prohibiting the carriage or delivery of meat in the abattoirs area, or to or from the abattoir, in open vehicles:

xxii. For regulating or prohibiting the hawking of meat in the abattoirs area, or in any part thereof:

xxiii. For prohibiting the carriage in the abattoirs area, or to or from the abattoir, of meat with other goods:

xxiv. For providing for the keeping of books recording the number of each kind of stock daily slaughtered and the brands thereof, and such other particulars as the Board may consider necessary:

xxv. Prescribing the tolls, dues, and fees to be received at the abattoir, or in respect of anything done under this Act:

xxvi. For the general regulation and management of the abattoir, for the cleansing, occupying, and using of the same, or any parts thereof, for ordering and governing the persons engaged at or appointed to such abattoir, and all other persons coming and resorting thereto, the maintenance of good

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good order therein, and all matters which concern or relate to the abattoir:

XXVII. For ordering and regulating the mode and conduct of proceedings at the meetings of the Board and its committees, and fixing the numbers required to constitute a quorum thereat respectively.

Application of regulations.

(2) Except where expressly provided to the contrary, all regulations made by a Board shall have effect throughout the abattoirs area of such Board and at the abattoir of such area and its appurtenances, and with respect to everything done thereat or in connection therewith.

Limit of penalties.

(3) Any regulation made by a Board may impose any penalty, not exceeding Twenty Pounds, for the breach or non-observance of the same or of any other regulation made by such Board, and, in the case of a continuing breach, may impose an additional penalty, not exceeding Two Pounds, for each day that the breach is continued beyond the day when the breach commences.

Central Board may make regulations in default of Abattoirs Board.

Cf. Vic. 1652, 1900, s. 44 (2).

80. (1) The Central Board may require the Board of any abattoirs area to make regulations for any of the purposes particularly specified in subsection (1) of section 79; and in the event of such Board failing to make such regulations within the time allowed by the Central Board, the Central Board is hereby empowered to make such regulations for the abattoirs area of such Board, or any specified part thereof and the abattoir thereof, and every regulation so made shall be deemed and taken to have been made by such Board, and shall not require any further approval by the Central Board.

(2) Regulations made by the Central Board under the power conferred by this section may impose penalties of the same amounts as if the regulations were made by the Abattoirs Board.

In case of inconsistency Governor's regulations to prevail.

Ibid., s. 45 (2).

81. So far as any regulation made by the Board of an abattoirs area or the Central Board is inconsistent with any regulation made by the Governor and for the time being in force the provisions of the first-mentioned regulation shall be deemed to be void.

Approval and confirmation and publication of regulations.

Cf. Met. Ab. Act, s. 83.

82. (1) No regulation made by a Board shall have any force or effect until approved by the Central Board and confirmed by the Governor.

(2) No regulation made by the Central Board shall have any force or effect until confirmed by the Governor.

(3) All regulations made by a Board, when approved and confirmed as aforesaid, and all regulations made by the Central Board, when confirmed as aforesaid, and all regulations made by the Governor, shall—

I. Be published in the *Government Gazette:*

II. Take

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ii. Take effect from the date of publication, or from a later date to be specified in such regulations; and

iii. Be laid before both Houses of Parliament within fourteen days after publication if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session.

Disallowance by Parliament.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

Regulations unchallengeable unless quashed.
Ibid., s. 85.

83. (1) A person desiring to dispute the validity of any regulation made under this Act may apply to the Supreme Court, upon affidavit, for a rule calling upon the Minister, in case the regulation was made by the Governor, or the Chairman of the Central Board, in case the regulation was made by the Central Board, or the Chairman of the Board, in case the regulation was made by a Board, 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) Subject to section 82, all regulations made under this Act, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) No regulation made under this Act shall be challenged or disputed in any manner except that provided by this section.

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MISCELLANEOUS.

Definition of "offence."
Ibid., s. 86.
N.Z. 38, 1900, s. 52.

84. Any person who directly or indirectly, by himself, his servant, or agent—

(1) Does anything which by this Act is forbidden or declared to be unlawful; or

(2) Omits to do anything which he is by this Act required to do; or

(3) Fails to faithfully perform or observe any duty or obligation imposed upon him by this Act; or

(4) Prevents,

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(4) Prevents, obstructs, or hinders any inspector, employé, or other officer of a Board, or any member of the police force, or any special or district constable in the exercise or discharge of any power, function, or duty conferred or imposed upon him by this Act,

shall be guilty of an offence against this Act.

Penalties.
Met. Ab. Act, s. 87.

85. (1) The penalty set out at the foot of any section, subsection, or other provision of this Act indicates that any contravention of such section, subsection, or provision, whether by act or omission, shall be an offence against this Act, punishable by a penalty not exceeding the sum so set out; and where there is no specified penalty for an offence against this Act any person guilty of such offence shall be liable to a penalty not exceeding Twenty-five Pounds.

(2) The minimum penalty for any offence against this Act shall be one-tenth of the maximum penalty for such offence.

In proceedings for penalties knowledge presumed until contrary proved.
Ibid., s. 88.

86. Whenever in any proceedings in respect of any offence against this Act knowledge on the part of the defendant would, but for this section, have to be shown, such knowledge shall be presumed until the contrary is proved to the satisfaction of the Court.

Recovery of charges.
N.Z., No. 38, 1900, s. 18 (6).

87. If default is made by any person in the payment of any fees, dues, tolls, or charges, the Board to which the same is payable, or any person authorised by the Board, the secretary thereof, or any inspector of the abattoirs area, in his own name, 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 abattoir belonging to the defaulter in like manner as in the case of rent in arrear.

Hearing of complaints and informations
Ibid., s. 91.

88. All complaints and informations under this Act shall be heard and determined in a summary way before a Special Magistrate or any two Justices under the provisions of the Ordinance No. 6 of 1850, or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act provided.

Legal proceedings, in whose name.
Ibid., s. 92.

89. All complaints, informations, and legal proceedings may be preferred, prosecuted, or defended in the name of the Board concerned, or of the secretary thereof, or of any inspector of the abattoirs area.

Proof of certain matters.
Ibid., s. 94.

90. It shall not be necessary in any legal proceedings to prove the existence or constitution of a Board, or the appointment of the secretary or other officer of the Board, or of any inspector, or any member of the police force, or special or district constable; and

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a certificate under the hand of such secretary, or the oath of such secretary, or of an inspector, shall be sufficient evidence of the boundaries of the abattoirs area until the contrary is proved, and any Proclamation or notice thereof in the *Government Gazette* shall, unless shown to have been repealed, be conclusive evidence of such boundaries.

Contents of books may be proved by certified copies.
Ibid., s. 95.

91. Any document sealed with the seal of a Board and certified by the secretary thereof to be a true copy of or extract from a book of such Board, shall be received as sufficient evidence in all Courts and before all persons and tribunals of the contents of such book, or of so much thereof as such extract purports to contain.

Service of notices, etc., upon the Board.
Ibid., s. 96.

92. Any summons, writ, or legal process whatsoever, civil or criminal, may be served upon a Board, or upon any council, by leaving the same at the office of such Board or council with some officer or servant of the Board or council.

Form and service of notices.
Ibid., s. 97.

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

Time of service.

(2) If such notice is so posted it shall be deemed to have been given at the time when it would in the ordinary course of post be delivered or reach the post office to which or nearest to which it is addressed.

Proof of service.
Ibid., s. 98.

94. Whenever it is necessary, on the hearing of any information or complaint for any offence against this Act to prove service of any notice, summons, writ, or legal process, an affidavit of the service thereof, 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.
Ibid., s. 99.

95. Every order, summons, notice, or other document requiring to be authenticated by a Board, or by any council, may, except when otherwise provided, be sufficiently authenticated without the common seal of the Board or council if signed by a member of the Board in the one case, or by two councillors or the clerk of the district or municipality in the other.

Appeal.

96. (1) There shall be an appeal from any conviction by any Special Magistrate or Justices for an offence against this Act, or from any order of such Magistrate or Justices dismissing any information or complaint under this Act, or from any other order by such Magistrate or Justices on such an information or complaint.

(2) Such

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(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction, or to the Local Court of Full Jurisdiction nearest to the place where the offence or matter is alleged to have occurred.

(3) The proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Ordinance No. 6 of 1850, and "The Justices Procedure Amendment Act, 1883-4," or any Act for the time being in force regulating appeals to Local Courts: Provided that the Local Court hearing such appeal may make such order as to costs as it thinks fit, although such costs exceed Ten Pounds.

298 of 1883-4.

Local Courts may state special case.

97. The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case according to the practice of the Supreme Court on special cases, and may make any order therein, including any order as to the cost of the proceedings in that Court and in the Courts below, which to the said Supreme Court appears just.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.

THE

THE SCHEDULE.

Section 4.

Reference to Acts.	Title.	Extent of Non-application.
No. 5 of 1840..	An Act to regulate the Slaughtering and prevent the Stealing of Cattle	Sections 1, 2, 3, 4, 5, 6, 7, 8, 15, and 16
No. 2 of 1844..	An Ordinance to authorise the levying of Fees on the Slaughtering of Cattle in South Australia	The whole
No. 419 of 1887	The District Councils Act, 1887	Sections 258 and 259, and so much of section 290 as deals with slaughter-houses, slaughtering licences, and the slaughtering of cattle
No. 863 of 1904	The District Councils Amendment Act, 1904	Sections 29 and 30, and the subdivision of section 55 beginning with the words "Regulating the control, management and supervision of abattoirs," and the following subdivisions of the said section down to and including the subdivision reading "For destroying unwholesome meat"
No. 497 of 1890	The Municipal Corporations Act, 1890..	Sections 182 and 183, section 184 as regards the word "slaughter-house" only, and section 314 as regards all the words from and including "For the regulation of slaughter-houses" to and including "therefor, or for slaughtering cattle," and the Third Schedule
No. 833 of 1903	The Municipal Corporations Amendment Act, 1903	Subdivision XIII. of section 14, and section 15
No. 711 of 1898	The Health Act, 1898	Sections 95, 96, 97, 98, 99, 100, 101, 102, and 103

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