

# SOUTH AUSTRALIAN MEAT CORPORATION ACT, 1936-1974

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## SCHEDULES

## SOUTH AUSTRALIAN MEAT CORPORATION ACT, 1936-1974

being

Metropolitan and Export Abattoirs Act, 1936, No. 2291 of 1936 [Assented to 8th October, 1936]<sup>1</sup>;

as amended by

Metropolitan and Export Abattoirs Act Amendment Act, 1937, No. 2373 of 1937 [Assented to 15th December, 1937];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1945, No. 43 of 1945 [Assented to 24th January, 1946];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1948, No. 17 of 1948 [Assented to 23rd September, 1948];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1952, No. 24 of 1952 [Assented to 13th November, 1952];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1954, No. 58 of 1954 [Assented to 23rd December, 1954];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1955, No. 48 of 1955 [Assented to 8th December, 1955];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1956, No. 20 of 1956 [Assented to 8th November, 1956]<sup>2</sup>;  
 Metropolitan and Export Abattoirs Act Amendment Act, 1957, No. 15 of 1957 [Assented to 24th October, 1957];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1958, No. 10 of 1958 [Assented to 16th October, 1958];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1962, No. 10 of 1962 [Assented to 18th October, 1962];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1964, No. 39 of 1964 [Assented to 22nd October, 1964];  
 Metropolitan and Export Abattoirs Act Amendment Act, 1972, No. 99 of 1972 [Assented to 9th November, 1972]<sup>3</sup>;

and

South Australian Meat Corporation Act Amendment Act, 1974, No. 21 of 1974 [Assented to 11th April, 1974].

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

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

1. This Act may be cited as the "South Australian Meat Corporation Act, 1936-1974", and shall come into operation on a day to be fixed by the Governor by proclamation<sup>4</sup>.

Short title and  
commencement.  
Citation  
amended by 21,  
1974, s. 1 (3).

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

Division of Act.  
S. 2 amended by  
99, 1972, s. 3.

PART I—Preliminary: sections 1-8.

PART II—The South Australian Meat Corporation: sections 9-52a.

Substituted by  
99, 1972,  
s. 3 (a).

PART III—Finance: sections 53-67.

PART IV—Abattoirs: sections 68-93.

PART V—Markets for Stock: sections 94-96b.

Amended by 99,  
1972, s. 3 (b).

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

<sup>1</sup> Came into operation 1st April, 1937: *Gaz.* 25th March, 1937, p. 646.

<sup>2</sup> Came into operation 6th February, 1957: *Gaz.* 24th January, 1957, p. 94.

<sup>3</sup> Came into operation 9th November, 1972: *Gaz.* 9th November, 1972, p. 2254.

<sup>4</sup> Came into operation as the "Metropolitan and Export Abattoirs Act, 1936", on 1st April, 1937: *Gaz.* 25th March, 1937, p. 646.

## PART I

Amended by 99,  
1972, s. 3 (c).

PART VII—Alteration of the Metropolitan Abattoirs Area: sections 107-111.

Substituted by  
99, 1972,  
s. 3 (d).

PART VIII—Resolutions and Regulations: sections 111a-114.

PART IX—Miscellaneous: sections 115-128.

Interpretation.  
957, 1908, s. 3.  
1009, 1910, s. 3.  
2140, 1933,  
ss. 3, 29.

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

“abattoirs” means the abattoirs erected pursuant to this Act:

Def. of “board”  
struck out by 99,  
1972, s. 4 (a).

\* \* \* \* \*

“brand” means any trade mark or stamp, and includes any tag, stamp, or label bearing any brand, mark, or label:

“carcass” includes the whole or any part of the flesh, wool, skin, hide, bones, hair, hoofs, and offal of any stock:

“constituent councils” means the municipal and district councils set out in section 7 and any other councils which are declared by proclamation to be constituent councils:

“disease” means the following diseases:—tuberculosis, pleuro-pneumonia, cancer, actinomycosis, anthrax, hydatids, worms of various sorts, 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 disease:

“district” means district as defined in the Local Government Act, 1934<sup>1</sup>:

Def. substituted  
by 39, 1964,  
s. 3; amended by  
99, 1972,  
s. 4 (b).

“inspector” means—

(a) an inspector or chief inspector appointed under this Act or the Acts repealed by this Act;

Para. (b)  
amended by 99,  
1972, s. 4 (b).

(b) a person in the employment of the Commonwealth performing the duties of an inspector under this Act pursuant to an arrangement between the Commonwealth and the Corporation:

Def. of “Master  
Butchers  
Limited” struck  
out by 99, 1972,  
s. 4 (c).

\* \* \* \* \*

“meat” means the flesh of any slaughtered stock, whether such meat is intended to be consumed within the metropolitan 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:

Def. inserted by  
99, 1972,  
s. 4 (d).

“member” in relation to the Corporation includes the person for the time being appointed chairman of the Corporation:

“metropolitan abattoirs area” means the area set out in section 7 and any territory added thereto under this Act:

“Minister” means the Minister of Agriculture:

<sup>1</sup> Now Local Government Act, 1934-1975.

“municipality” means municipality as defined in the Local Government Act, 1934<sup>1</sup>:

\* \* \* \* \*

Def. of “Pig Breeders’ Society” struck out by 99, 1972, s. 4 (e).

“public notice” means notice by advertisement in the *Government Gazette*, and in two daily newspapers circulating in the metropolitan abattoirs area:

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

“stock” means cattle, including horses, sheep, swine, goats, buffaloes, and includes all other animals which the Governor from time to time, by proclamation, declares to be stock for the purposes of this Act:

Def. amended by 99, 1972, s. 4 (f); 21, 1974, s. 2.

\* \* \* \* \*

Def. of “Stockowners’ Association” struck out by 99, 1972, s. 4 (g).

\* \* \* \* \*

Def. of “Stock Salesmen’s Association” struck out by 99, 1972, s. 4 (h).

“the Corporation” means the body corporate continued in existence under section 9 of this Act:

Def. inserted by 99, 1972, s. 4 (i).

“Treasurer” means the Treasurer of the State or the Minister of the Crown for the time being performing the duties of the said Treasurer:

Def. amended by 99, 1972, s. 4 (j).

“vehicle” includes every description of cart, wagon, truck, barrow, carriage, or other conveyance.

(2) This Act shall bind the Crown.

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

Repeal.  
957, 1908, s. 4.

5. Notwithstanding anything contained in the Hawkers Act, 1934<sup>2</sup>, The Markets Clauses Act, 1870-71<sup>3</sup>, the Health Act, 1935<sup>4</sup>, the Local Government Act, 1934<sup>1</sup>, this Act shall be administered by the Corporation, and so far as the said Acts or any of them are inconsistent with this Act, the provisions of this Act shall prevail.

Administration and construction of Act.  
957, 1908, s. 5.  
S. 5 amended by 99, 1972, s. 5.

### *Application of Act*

6. The provisions of this Act shall apply within the metropolitan abattoirs area.

Area in which Act applies.  
957, 1908, s. 6.

<sup>1</sup> Now Local Government Act, 1934-1975.

<sup>2</sup> Now Hawkers Act, 1934-1960.

<sup>3</sup> Now Markets Clauses Act, 1870-1956.

<sup>4</sup> In a previous reprint of this Act the expression “The Health Act, 1898” had been altered to “the Health Act, 1935” (now Health Act, 1935-1975) pursuant to the Acts Republication Act, 1934.

## PART I

Metropolitan  
abattoirs area.  
957, 1908,  
s. 6 (2), 7.  
1679, 1925, s. 3.  
Proclamation in  
*Gazette*  
Extraordinary  
3rd Dec., 1909,  
*Gazette* 4th  
Dec., 1909,  
*Gazette* 23rd  
Nov., 1916,  
*Gazette* 27th  
August, 1936.  
Subsec. (1)  
amended by 20,  
1956, s. 4;  
substituted by  
21, 1974, s. 3.

7. (1) The metropolitan abattoirs area shall be the area comprising—

(a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Mitcham, Port Adelaide, Prospect, St. Peters, Salisbury, Thebarton, Unley, Walkerville, West Torrens and Woodville;

(b) the Garden Suburb<sup>1</sup>;

and

(c) that portion of the municipality of Marion north and north-east of the following boundary:—commencing at a point on the western boundary of the municipality being the south-western corner of section 185, hundred of Noarlunga; thence easterly along the southern boundaries of sections 185 and 139 and portion of the southern boundary of section 122 of that hundred to the eastern boundary of the municipality.

Subsec. (2)  
amended by 43,  
1945, s. 3.

(2) The metropolitan abattoirs area may be extended or reduced by proclamation under Part VII of this Act.

(3) The council of each municipality or district wholly or partially within the metropolitan abattoirs area shall be a constituent council within the meaning of this Act.

Non-application  
of Act to certain  
bacon.  
957, 1908, s. 8.  
1009, 1910, s. 4.

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

## PART II

## PART II

Heading  
substituted by  
99, 1972, s. 6.

## THE SOUTH AUSTRALIAN MEAT CORPORATION

Continuance of  
Board.  
2140, 1933, s. 4.  
Subsec. (1)  
amended by 99,  
1972, s. 7 (a).

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".

Subsec. (2)  
amended by 99,  
1972, s. 7 (b).

(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.

Subsec. (3)  
amended by 99,  
1972, s. 7 (c).

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

Subsec. (4)  
inserted by 99,  
1972, s. 7 (d).

(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

<sup>1</sup> By proclamations under the Garden Suburb Act, 1919-1973 (*Gaz.* 27th March, 1975, p. 1262, and *Gaz.* 1st May, 1975, p. 1698) the lands referred to in those proclamations were added to the municipality of the City of Mitcham. See also ss. 24 and 25 of the Garden Suburb Act, 1919, as amended.

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—

Subsec. (5)  
inserted by 99,  
1972, s. 7 (d).

(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.

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.

Composition of  
Corporation.  
S. 10 substituted  
by 43, 1945,  
s. 4; amended by  
17, 1948, s. 2;  
58, 1954, s. 2;  
substituted by  
99, 1972, s. 8.

(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.

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

Term of office  
of members.  
S. 11 substituted  
by 43, 1945,  
s. 4.  
Subsec. (1)  
substituted by  
99, 1972,  
s. 9 (a).

\* \* \* \* \*

Subsec. (2)  
struck out by 99,  
1972, s. 9 (b).

\* \* \* \* \*

Subsec. (3)  
struck out by 99,  
1972, s. 9 (b).

\* \* \* \* \*

Subsec. (3a)  
inserted by 17,  
1948, s. 3;  
struck out by 99,  
1972, s. 9 (b).

(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.

Subsec. (4)  
amended by 99,  
1972, s. 9 (c),  
(d).

(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.

Subsec. (5)  
amended by 99,  
1972, s. 9 (e).

(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.

Subsec. (6)  
amended by 99,  
1972, s. 9 (f).



## PART II

Remuneration of members of the Corporation.  
2140, 1933, s. 7.  
2264, 1936, s. 3.  
Subsec. (1) amended by 99, 1972, s. 10 (a).

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.

Subsec. (2) amended by 99, 1972, s. 10 (b).

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

S. 13 repealed by 43, 1945, s. 5.

\* \* \* \* \*

Casual vacancies.  
2140, 1933, s. 9.  
Subsec. (1) amended by 99, 1972, s. 11 (a), (b).

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<sup>1</sup>:

(b) he is convicted for an indictable offence:

(c) he resigns by notice in writing posted or delivered to the Minister:

Para. (d) amended by 99, 1972, s. 11 (b).

(d) he absents himself from three consecutive meetings of the Corporation without leave of the Corporation.

Subsec. (2) amended by 99, 1972, s. 11 (c).

(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.

Ss. 15, 16 repealed by 99, 1972, s. 12.

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Ss. 17, 18 repealed by 43, 1945, s. 5.

\* \* \* \* \*

Ss. 19-21 repealed by 99, 1972, s. 12.

\* \* \* \* \*

Right of councillors to sit on Corporation.  
957, 1908, s. 12.  
S. 22 amended by 99, 1972, s. 13.

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.  
957, 1908, s. 17.  
2140, 1933, s. 31.  
Subsec. (1) amended by 99, 1972, s. 14.

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.

<sup>1</sup> Pursuant to s. 8 (2) of the Acts Reproduction Act, 1967, as amended, a reference to the proportion expressed in decimal currency substituted for the reference to the proportion expressed in the old currency.

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.

Meetings of Corporation.  
957, 1908, s. 18.  
Subsec. (1) amended by 99, 1972, s. 15 (a), (b).

(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.

Subsec. (2) amended by 99, 1972, s. 15 (c).

(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.

Subsec. (3) amended by 99, 1972, s. 15 (d).

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.

Delegation.  
S. 25 substituted by 99, 1972, s. 16.

(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.

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.

Effect of defects in appointment.  
959, 1908, s. 19.  
Subsec. (1) amended by 99, 1972, s. 17 (a).

(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.

Subsec. (2) amended by 99, 1972, s. 17 (b), (c), (d), (e).

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.

Receipt of fees, penalties, etc.  
959, 1908, s. 20.  
Subsec. (1) amended by 99, 1972, s. 18 (a).

(2) The receipt of the secretary or other person duly authorized 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.

Subsec. (2) amended by 99, 1972, s. 18 (b).

28. (1) The Corporation may appoint any superintendents, inspectors, 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.

Officers.  
957, 1908, s. 21.  
Subsec. (1) amended by 99, 1972, s. 19 (a).

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

Subsec. (2) amended by 99, 1972, s. 19 (b).

Payment of salaries.  
957, 1908, s. 22.  
S. 29 amended by 99, 1972, s. 20.

**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.

Arrangements between Corporation and Commonwealth regarding inspection.  
S. 29a enacted by 39, 1964, s. 4.  
Subsec. (1) amended by 99, 1972, s. 21 (a).

**29a.** (1) The Corporation may enter into an arrangement with the Commonwealth with respect to the inspection of meat for or on behalf of the Corporation by persons employed by the Commonwealth.

(2) Without prejudice to the generality of the last preceding subsection, an arrangement under that subsection may make provision for or in relation to—

Para. (a) amended by 99, 1972, s. 21 (b).

(a) the transfer of meat inspectors employed by the Corporation to the Public Service of the Commonwealth or to employment by the Commonwealth in a temporary capacity;

Para. (b) amended by 99, 1972, s. 21 (c).

(b) the payments to be made by the Corporation to the Commonwealth for the performance of work under the arrangement by persons employed by the Commonwealth; and

(c) any other matter incidental to or relating to the performance of work under the arrangement by persons employed by the Commonwealth.

Subsec. (3) amended by 99, 1972, s. 21 (d).

(3) The Corporation may do any act, or enter into any transaction necessary to carry into effect an arrangement made under this section, and may make any payment provided for in the arrangement.

(4) In this section and section 76 "person employed by the Commonwealth" means an officer of the Public Service of the Commonwealth or a person employed under Division 10 of Part III of the Public Service Act, 1922-1964 of the Commonwealth.

Power of Corporation to contribute to superannuation funds.  
1796, 1927, s. 4.  
S. 30 amended by 99, 1972, s. 22; 21, 1974, s. 4.

**30.** The Corporation may—

Para. (a) amended by 99, 1972, s. 22 (b).

(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;

Para. (b) amended by 99, 1972, s. 22 (c).

(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

Para. (c) inserted by 99, 1972, s. 22 (d); amended by 21, 1974, s. 4.

(c) enter into an arrangement or supplementary arrangement of a kind referred to in section 6 of the Superannuation Act, 1969, as amended<sup>1</sup>, or any corresponding subsequent enactment.

<sup>1</sup> The Superannuation Act, 1969, and its amendments have been repealed and superseded by the Superannuation Act, 1974.

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.

Travelling expenses.  
957, 1908, s. 23.  
S. 31 amended by 99, 1972, s. 23.

\* \* \* \* \*

S. 32 repealed by 99, 1972, s. 24.

33. The assessment for municipal or district council rates of any land of or held by the Corporation, shall be made according to a percentage of five per centum on the capital value of the land and any buildings and erections thereon, except the buildings and erections used for or incidental to the carrying out of the powers and functions of the Corporation, but not excepting any buildings or parts of buildings used as offices or dwelling-houses.

Basis of assessment of Corporation's lands for rates.  
1059, 1911, s. 3.  
S. 33 amended by 99, 1972, s. 25.

\* \* \* \* \*

S. 34 amended by 15, 1957, s. 2; repealed by 99, 1972, s. 26.

\* \* \* \* \*

S. 35 repealed by 15, 1957, s. 3.

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.

Corporation and members not liable if unable to perform contracts through strikes, etc.  
1059, 1911, s. 14.  
S. 36 amended by 99, 1972, s. 27.

\* \* \* \* \*

S. 37 repealed by 99, 1972, s. 28.

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.

Execution of deeds and instruments.  
957, 1908, s. 26.  
S. 38 amended by 99, 1972, s. 29.

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.

Minute-book.  
957, 1908, s. 27.  
S. 39 amended by 99, 1972, s. 30.

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.

Custody of books and documents.  
957, 1908, s. 29.  
S. 40 amended by 99, 1972, s. 31.

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

Appointment of auditors.  
957, 1908, s. 29.  
Subsec. (1) amended by 99, 1972, s. 32 (a).

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

Subsec. (2) amended by 2373, 1937, s. 3 (1); 99, 1972, s. 32 (b).

(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.

Subsec. (3) amended by 2373, 1937, s. 3 (2); 99, 1972, s. 32 (c).

Subsec. (4)  
amended by 99,  
1972, s. 32 (d).

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

Report on  
efficiency.  
2140, 1933,  
s. 28.  
Subsec. (1)  
amended by 99,  
1972, s. 33 (a),  
(b).

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.

Subsec. (2)  
amended by 99,  
1972, s. 33 (c).

(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.  
957, 1908,  
ss. 30, 31.  
Subsec. (1)  
amended by 99,  
1972, s. 34 (a).

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 auditors.

Subsec. (2)  
amended by 43,  
1945, s. 6; 99,  
1972, s. 34 (b),  
(c).

(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 auditors for examination.

Auditor's  
duties.  
957, 1908, s. 32.  
S. 44 amended  
by 99, 1972,  
s. 35.

44. The auditors 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, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors may have been appointed.

Balance-sheet  
to be laid before  
the Parliament  
and printed for  
distribution.  
957, 1908, s. 33.  
Subsec. (1)  
amended by 43,  
1945, s. 7 (1) (a),  
(b).

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 auditors, 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.

Subsec. (2)  
amended by 43,  
1945, s. 7 (2);  
99, 1972, s. 36.

(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.  
S. 46 amended  
by 99, 1972,  
s. 37.

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<sup>1</sup>.

<sup>1</sup> Reference to the year nineteen hundred and thirty-four altered to 1934 pursuant to s. 7 (1) of the Acts Reproduction Act, 1967, as amended.

47. (1) As from the twelfth day of April, 1934<sup>1</sup>—

- (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.

Transfer to board of certain rights and powers.  
2140, 1933, s. 18.  
Para. (a) amended by 99, 1972, s. 38 (a).

Subsec. (2) amended by 99, 1972, s. 38 (b).

(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.

48. (1) There shall be vested in the Metropolitan and Export Abattoirs Board, as from the twelfth day of April, 1934<sup>1</sup>, 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.

Transfer of property of Government Produce Department.  
2140, 1933, s. 19.  
Proclamation in *Gazette* 12th April, 1934, p. 1015.  
Subsec. (1) amended by 99, 1972, s. 39.

(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<sup>2</sup>, 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<sup>2</sup>.

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.

Duty of Corporation as to fees and charges.  
2140, 1933, s. 20.  
S. 49 amended by 99, 1972, s. 40.

<sup>1</sup> Reference to the year nineteen hundred and thirty-four altered to 1934 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

<sup>2</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

## PART II

Sole right of Corporation to slaughter for export.

2140, 1933, s. 25.

Subsec. (1) amended by 17, 1948, s. 5 (1); 99, 1972, s. 41 (a).

**50.** (1) Except as provided by section 50a, the Corporation shall have the sole right within the metropolitan abattoirs area to slaughter stock for export as fresh meat in a chilled or frozen condition.

Subsecs. (2)-(4) struck out by 99, 1972, s. 41 (b).

\* \* \* \* \*

Licences to slaughter swine for export in area.

S. 50a enacted by 17, 1948, s. 4.

**50a.** (1) Notwithstanding the provisions of section 50, the Minister may grant a permit to any person to slaughter swine for export as fresh meat in a chilled or frozen condition at a slaughterhouse or abattoirs within the metropolitan abattoirs area which is licensed as such by a council or board of health.

(2) The Minister shall have a discretion to grant or refuse any application for a permit under this section.

(3) Every permit shall be for such period and contain such restrictions, terms and conditions as the Minister thinks proper.

Power of Corporation to deal in stock.

2140, 1933, s. 26.

S. 51 amended by 99, 1972, s. 42.

**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.

2140, 1933, s. 27.

S. 52 amended by 99, 1972, s. 43.

**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.

Heading inserted by 2373, 1937, s. 4.

*Licensing of Premises used for Slaughtering Stock for Export*

Licensing of export meat works.

S. 52a enacted by 2373, 1937, s. 4.

**52a.** (1) No person shall in any part of the State outside the metropolitan abattoirs area use any premises for the purpose of slaughtering stock for export as fresh meat in a chilled or frozen condition unless he is the holder of a licence from the Minister of Agriculture authorizing him to use those premises for that purpose.

Any person who contravenes this subsection shall be guilty of an offence and liable to a fine not exceeding two hundred dollars<sup>1</sup> and in the case of a continuing offence to an additional fine not exceeding forty dollars<sup>1</sup> for every day on which the offence continues.

Subsec. (2) amended by 21, 1974, s. 5.

(2) The Minister of Agriculture shall have a discretion to grant or refuse any application for a licence under this section after due consideration of the following matters:—

- (a) whether the applicant is a fit and proper person to hold a licence under this section; and
- (b) whether the place where it is proposed to establish the premises to be used under the licence is a suitable place for the establishment of such premises; and
- (c) whether the premises are necessary to meet the requirements of the public:

<sup>1</sup> Pursuant to s. 8 of the Acts Republishing Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

Provided that the Minister shall not refuse an application for such a licence if the premises for which the licence is required are to be erected at least 129 kilometres from all premises, existing at the date of such application, and established within the State for the purpose of slaughtering stock for export as aforesaid.

(3) Every licence shall be for such period and contain such restrictions, terms and conditions as the Minister thinks proper.

(4) This section shall not apply to the Government Produce Department<sup>1</sup>.

### PART III

### PART III

#### FINANCE

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

Power of Corporation to borrow money, etc.

(a) for the purposes of the exercise and performance of any of its powers, functions and duties under this Act;

S. 53 substituted by 99, 1972, s. 44.

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 authorized—

(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.

<sup>1</sup> Since the enactment of this section the Produce Department has been amalgamated with the State Supply Department. See proclamation under Public Service Act, 1967-1975, *Gaz.* October 16, 1975, p. 2010.



## PART III

Ss. 54, 55, 56,  
57, 58, 59  
repealed by 99,  
1972, s. 44.

\* \* \* \* \*

S. 59a enacted  
by 2373, 1937,  
s. 5; repealed by  
99, 1972, s. 44.

\* \* \* \* \*

Ss. 60, 61, 62,  
63, 64, 65  
repealed by 99,  
1972, s. 44.

\* \* \* \* \*

Provision for  
annulling  
certain claims.  
S. 65a enacted  
by 2373, 1937,  
s. 6.

### 65a. No constituent council shall be entitled to—

- (a) any profits earned at any time by the Metropolitan Abattoirs Board in connection with its operations under the Metropolitan and Export Abattoirs Acts, 1908-1930, or any share of those profits:
- (b) any damages, compensation or other legal remedy of any kind on the ground that the said Metropolitan Abattoirs Board failed to distribute among the constituent councils any profits earned at any time by it under the Metropolitan Abattoirs Acts, 1908-1930, or otherwise failed to comply with any provision of those Acts.

S. 66 repealed  
by 99, 1972,  
s. 44.

\* \* \* \* \*

Banking  
account.  
957, 1908, s. 50.  
2140, 1933,  
s. 38.  
Subsec. (1)  
amended by 99,  
1972, s. 45 (a),  
(b).

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.

Subsec. (2)  
substituted by  
24, 1952, s. 2;  
amended by 99,  
1972, s. 45 (c).

(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 authorized in that behalf by the Corporation and countersigned by an officer of the Corporation authorized in that behalf by the Corporation. The Corporation may from time to time authorize any officer of the Corporation to sign cheques as aforesaid and may from time to time authorize any officer of the Corporation to countersign cheques as aforesaid. Any such authority may at any time be withdrawn by the Corporation.

## PART IV

## PART IV

## ABATTOIRS

Erection of  
abattoirs.  
957, 1908,  
s. 51 (1) (part).  
S. 68 amended  
by 99, 1972,  
s. 46 (a), (b).

### 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.

Para. (b)  
amended by 99,  
1972, s. 46 (b).

69. The Corporation may let, upon lease or otherwise, any portion of its lands or buildings other than the abattoirs and the markets taken on lease, established, or erected by the Corporation under Part V of this Act for a hide and skin market, at such rent, for such term, and upon such conditions as it shall think fit.

Letting of land for hide and skin market.  
957, 1908, s. 51 (2).  
S. 69 amended by 99, 1972, s. 47.

70. While abattoirs are available under this Act for slaughtering stock no person shall within the metropolitan abattoirs area—

Restriction on slaughter and sale of stock in metropolitan abattoirs area.  
957, 1908, s. 54 (1).

(a) elsewhere than at the said abattoirs slaughter or allow or cause to be slaughtered any stock for sale for human consumption or dress or allow or cause to be dressed any carcass for sale; or

(b) sell or attempt to sell or expose for sale or allow or cause to be sold or exposed for sale any carcass or meat not slaughtered at such abattoirs; or

(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 slaughtered outside the metropolitan abattoirs area unless the carcass thereof together with the pleura, peritoneum, lungs, heart, kidneys, tongue, and such other organs as are prescribed, and in the case of cows the udder also attached in natural connection, has been first brought to the abattoirs or some other premises established by the Corporation for that purpose within Hindmarsh, Gawler, Grey, or Young Ward of the City of Adelaide and inspected and branded by an inspector as provided in section 93; or

Para. (c) amended by 99, 1972, s. 48.

(d) slaughter at any slaughterhouse or abattoirs exempted under section 79 or 109 any stock except for export (as allowed by this Act) or for meat to be tinned or cured for export or for curing as bacon and ham.

Penalty—For a first offence, twenty dollars<sup>1</sup>; for a second offence, fifty dollars<sup>1</sup>; and for each succeeding offence, one hundred dollars<sup>1</sup>.

70a. (1) Notwithstanding any other provision of this Act the Minister, if he is of the opinion that in the interests of the public it is expedient so to do, may grant a licence for such period as he shall think fit to any person to slaughter, elsewhere than at the abattoirs of the Corporation, any stock for sale for human consumption.

Licence to slaughter elsewhere than at abattoirs of Corporation.  
S. 70a enacted by 10, 1962, s. 3.  
Subsec. (1) amended by 99, 1972, s. 49.

(2) Any such licence may contain conditions as to all or any of the following matters, namely:—

The branding, and inspection of carcasses slaughtered and any other matters which in the Minister's opinion are required for the purpose of ensuring compliance with law or in the interests of the public: provided that the licence shall whenever practicable contain a condition providing for the inspection of carcasses at the place of slaughter.

(3) If the Minister is of opinion that an inspection of any carcasses or meat additional to the inspection provided for in the licence relating to such carcasses or meat is necessary for the purpose of safeguarding the health of the public, he shall give such directions to the owner of the meat as he considers necessary to ensure that an additional inspection is made before the meat is sold, and the owner of the meat shall comply with such directions.

<sup>1</sup> Pursuant to s. 8 of the Acts Reproduction Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

A person who fails to comply with a direction given to him under this subsection shall be guilty of an offence.

(4) Any carcass or meat slaughtered in accordance with the terms of a licence issued under and inspected pursuant to the directions (if any) given under this section may be sold within the metropolitan abattoirs area.

(5) If a person to whom a licence is granted under this section contravenes or fails to observe any condition of the licence he shall be guilty of an offence.

Penalty: Two hundred dollars<sup>1</sup>.

(6) If a person is convicted of an offence under subsection (5) of this section the Minister may revoke the licence granted to such person.

S. 71 repealed  
by 43, 1945,  
s. 8.

\* \* \* \* \*

Exemption  
from previous  
sections.  
957, 1908,  
s. 54 (4).  
S. 72 amended  
by 43, 1945,  
s. 9.

72. No person shall be liable to any punishment for any offence against section 70 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.

Saving of  
liability for sale  
of unwholesome  
meat.  
957, 1908,  
s. 54 (5).

73. Nothing in this Act shall protect any person who sells or attempts to sell or exposes 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 it has been branded or any imported meat that is unwholesome.

Time when  
abattoirs  
available.  
957, 1908,  
s. 54 (6).  
S. 74 amended  
by 99, 1972,  
s. 50.

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.

Slaughter of  
poultry.  
957, 1908,  
s. 54 (7).

75. It shall not be an offence under this Act to slaughter poultry elsewhere than at the abattoirs or sell or expose for sale within the metropolitan abattoirs area any poultry so slaughtered.

Exemptions.  
1059, 1911,  
ss. 5, 6, 9,  
1253, 1916, s. 4,  
1985, 1930, s. 3.

76. (1) Notwithstanding section 70 any person may expose for sale and sell within the metropolitan abattoirs area—

(a) pigs' feet, ox tongues, ox tails, sheep's kidneys, sheep's tongues, brains, tripe, ox kidneys, sheep's hearts and ox hearts, and casings for sausages obtained from any part of the Commonwealth of Australia outside the State if the same have been previously inspected and the packages in which they are contained have been marked by an officer of customs under the (Commonwealth) Commerce (Trade Descriptions) Act, 1905, or any Act amending or substituted for that Act:

Para. (b)  
amended by 99,  
1972, s. 51 (a).

(b) ox tongues, ox tails, sheep's kidneys and sheep's tongues brought from any part of the State outside the metropolitan abattoirs area if the person so exposing for sale or selling such goods has previously given notice in writing to the Corporation specifying the goods and stating from whom and when they were received by him and where they may be inspected:

<sup>1</sup> Pursuant to s. 8 of the Acts Republishing Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

- (c) any small goods, bacon or ham derived wholly or partly from swine slaughtered within such area but not at the abattoirs, or slaughtered outside such area but within the State: Provided that the carcass of the swine from which the small goods, bacon or ham was derived was after slaughter inspected and branded by an inspector appointed to inspect bacon factories outside such area and to inspect, approve and brand carcasses of swine slaughtered at such factories:

Para. (c)  
amended by 17,  
1948, s. 6 (a),  
(b).

- (d) any tinned meat.

(2) The Governor may appoint persons to act as inspectors for the purpose of inspecting bacon factories outside the metropolitan area and any person appointed by the Corporation under this Act may with the consent of the Corporation be so appointed.

Subsec. (2)  
amended by 99,  
1972, s. 51 (b).

(2a) The State may enter into an arrangement with the Commonwealth with respect to the inspection and branding for the purposes of this section of carcasses of swine for or on behalf of the State by persons employed by the Commonwealth.

Subsec. (2a)  
inserted by 39,  
1964, s. 5.

(2b) Without prejudice to the generality of the last preceding subsection an arrangement under that subsection may make provision for or in relation to—

Subsec. (2b)  
inserted by 39,  
1964, s. 5.

- (a) the transfer of meat inspectors employed by the State or a State Meat Authority, or who holds an appointment as a meat inspector under a State Act, to the Public Service of the Commonwealth or to employment by the Commonwealth in a temporary capacity;

- (b) the payments to be made by the State to the Commonwealth for the performance of work under the arrangement by persons employed by the Commonwealth; and

- (c) any other matter incidental to or relating to the performance of work under the arrangement by persons employed by the Commonwealth.

(2c) The State may carry into effect any arrangement made under this section and may make any payment provided for in the arrangement.

Subsec. (2c)  
inserted by 39,  
1964, s. 5.

(3) Any person who has in his possession any such goods as are mentioned in paragraph (b) of subsection (1) of this section shall upon demand by any inspector of the Corporation produce them for inspection.

Subsec. (3)  
amended by 99,  
1972, s. 51 (c).

Penalty—For a first offence, twenty dollars<sup>1</sup>: For a second offence, fifty dollars<sup>1</sup>: For any subsequent offence, one hundred dollars<sup>1</sup>.

77. (1) Subject to subsections (5) and (6) of this section no person shall bring into the metropolitan abattoirs area from any place outside that area any carcass or meat which has been derived from stock slaughtered outside that area unless he has obtained from the Corporation a permit under this section.

Conditions  
under which  
meat may be  
brought into the  
metropolitan  
abattoirs area.  
S. 77 substituted  
by 2373, 1937,  
s. 7.  
Subsec. (1)  
amended by 99,  
1972, s. 52 (a).

Penalty: A fine not exceeding one hundred dollars<sup>1</sup>.

<sup>1</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

Subsec. (2)  
amended by 99,  
1972,  
s. 52 (b), (c).

(2) The Corporation may on application duly made and payment of such reasonable fee as the Corporation fixes, but not exceeding two dollars<sup>1</sup>, grant a permit under this section for any of the following purposes:—

(a) To authorize any person to bring into the metropolitan abattoirs area boneless beef or buttocks, topsides or silversides of beef intended for human consumption, or fresh pork to be cured as bacon:

(b) To authorize any person who carries on the business of breeding and rearing dogs for sale, or training racing dogs, to bring into the metropolitan abattoirs area carcasses of stock for consumption by dogs:

Para. (c)  
amended by 99,  
1972, s. 52 (c).

(c) To authorize any person to bring any specified carcass or meat into the metropolitan abattoirs area in any other circumstances which in the Corporation's opinion, justify the grant of a permit under this section.

(3) Any permit granted under this section—

(a) may, if it applies to any meat intended for human consumption, authorize the sale and exposure for sale of such meat:

(b) shall, notwithstanding any other provision of this Act, render lawful anything done in accordance with its terms and conditions:

(c) shall set out the period for which, and the terms and conditions on which, it is granted:

(d) may require the person to whom it is granted to submit the meat or carcass mentioned in the permit for inspection and branding and to pay a reasonable fee for such inspection and branding.

(4) No holder of a permit under this section shall contravene any term or condition thereof.

Penalty: A fine not exceeding forty dollars<sup>1</sup>.

(5) No person shall be liable to any penalty under this Act if he shows that any carcass or meat brought by him into the metropolitan abattoirs area without a permit was so brought in for consumption by himself and the members of his household.

(6) This section shall not apply to any carcass, part of a carcass, or meat which has been brought into the metropolitan abattoirs area from outside that area, and in respect of which the requirements prescribed by paragraph (c) of section 70, or by section 76 of this Act have been complied with, nor to poultry.

Permits to  
slaughter stock  
for consumption  
by dogs.  
S. 77a enacted  
by 2373, 1937,  
s. 7.  
Subsec. (1)  
amended by 99,  
1972, s. 53.

77a. (1) The Corporation may as an administrative act on application duly made and payment of such reasonable fee as the Corporation fixes, grant a permit to authorize the Dogs Rescue Home Incorporated, or any person who carries on the business of breeding and rearing dogs for sale or training racing dogs, or who breeds, rears, and keeps hounds for hunting with any hunt club, to slaughter within the metropolitan abattoirs area such stock as the Corporation specifies in the permit, for consumption by dogs.

(2) Any permit granted under this section—

(a) shall set out the period for which and the terms and conditions on which it is granted;

<sup>1</sup> Pursuant to s. 8 of the Acts Reproduction Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

- (b) shall, notwithstanding any other provision of this Act, render lawful anything done in accordance with its terms and conditions.

(3) No holder of a permit under this section shall contravene any term or condition of that permit.

Penalty: A fine not exceeding fifty dollars<sup>1</sup>.

78. Notwithstanding any other provision of this Act the Minister may permit any person to bring into and sell within the metropolitan abattoirs area any carcasses of, or meat derived from, stock slaughtered at the Port Lincoln Branch of the Government Produce Department<sup>2</sup>; Provided that all such carcasses or meat shall, before the sale thereof within the metropolitan abattoirs area be inspected by an inspector approved of by the Minister, and certified by him to be free of disease. The Minister shall not unreasonably refuse any request for permission as aforesaid.

Power of Minister as to carcasses from Port Lincoln. 2140, 1933, s. 24. S. 78 amended by 48, 1955, s. 3.

78a. (1) The Corporation may on application duly made, and on payment of such reasonable fee not exceeding two dollars<sup>1</sup> as the Corporation fixes, grant to any farmer in occupation of a farm which or portion of which lies within the metropolitan abattoirs area, a permit to slaughter stock on that farm for consumption by persons resident thereon or employed by the farmer thereon, or for consumption by animals kept thereon, and not for barter or sale: Provided that—

Permits to slaughter stock on farms for consumption thereon. S. 78a enacted by 43, 1945, s. 10. Subsec. (1) amended by 99, 1972, s. 54 (a), (b).

- (a) the holder of a permit shall not knowingly slaughter or allow to be slaughtered any stock which is diseased;

- (b) whenever, on the slaughter of any stock, it is found to be diseased the farmer shall forthwith act as prescribed in section 86 of this Act;

- (c) the holder of a permit shall keep a faithful record of all stock slaughtered under his permit and shall on demand made by an inspector of the Corporation produce the record for his inspection.

Para. (c) amended by 99, 1972, s. 54 (b).

(2) Any permit granted under this section—

- (a) shall render lawful anything done in accordance with its terms and conditions;

- (b) shall set out the period for which and the terms and conditions on which it is granted;

- (c) may require the person to whom it is granted to submit the meat or carcass of any animal slaughtered under the permit for inspection and branding and to pay a reasonable fee for such inspection and branding.

(3) The Corporation may, at any time, revoke any permit granted under this section without assigning any reason therefor.

Subsec. (3) amended by 99, 1972, s. 54 (c).

(4) The holder of a permit under this section shall not contravene any provision of this section or any of the terms or conditions of his permit. Penalty: A fine not exceeding fifty dollars<sup>1</sup>.

(5) The allegation in a complaint for an offence against this Act that a person held or did not hold a permit on any specified date shall be *prima facie* evidence of the fact so alleged.

<sup>1</sup> Pursuant to s. 8 of the Acts Reproduction Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

<sup>2</sup> Since the enactment of this section the Produce Department has been amalgamated with the State Supply Department. See proclamation under Public Service Act, 1967-1975, *Gaz.* October 16, 1975, p. 2010.

Permits as to carcasses and meat from country abattoirs.  
S. 78b enacted by 48, 1955, s. 4.  
Subsec. (1) amended by 21, 1974, s. 6.

**78b.** (1) In this section "country abattoirs" means any abattoirs which are situated more than 80 kilometres from the abattoirs established under this Act, and at which stock are slaughtered for export. The distance between the abattoirs established under this Act and any other abattoirs shall be measured along the shortest route by roads usually used in travelling.

(2) The Governor may by proclamation declare that a specified proportion of the carcasses or meat or both derived from stock slaughtered at any specified country abattoirs during any specified period may be brought into and sold within the metropolitan abattoirs area pursuant to permits granted by the Minister of Agriculture.

Proclamations under this section may fix different proportions for different abattoirs and any proportion may be fixed by reference to weight, number or otherwise, according as the Governor may deem fit.

(3) For the purpose of giving effect to any such proclamation the Minister of Agriculture may grant permits to such persons as he deems proper authorizing them to bring into the metropolitan abattoirs area carcasses or meat or both derived from country abattoirs specified in the proclamation, but not exceeding the quantity allowed pursuant to the proclamation.

(4) Any such permit may contain conditions as to all or any of the following matters, namely:—the inspection, counting and weighing of the carcasses and meat to which the permit applies, the place at which such carcasses and meat may enter the metropolitan area, and any other matters which, in the Minister's opinion, are required for the purpose of ensuring compliance with law, or in the interests of the public.

(5) If the Minister is of opinion that an inspection of any carcasses or meat additional to the inspection provided for in the permit relating to such carcasses or meat is necessary for the purpose of safeguarding the health of the public, he may give such directions to the owner of the meat as he considers necessary to ensure that an additional inspection is made before the meat is sold, and the owner of the meat shall comply with such directions.

A person who fails to comply with a direction given to him under this section shall be guilty of an offence.

(6) Meat which is brought into the metropolitan abattoirs area in accordance with the terms of a permit and inspected pursuant to the directions (if any) given under this section may be sold within that area.

(7) If a person to whom a permit is granted under this section contravenes or fails to observe any condition of the permit he shall be guilty of an offence.

Penalty: Two hundred dollars<sup>1</sup>.

(8) If a person is convicted of an offence under subsection (7) of this section the Minister of Agriculture may revoke the permit granted to such person.

Permits to sell rejected carcasses and meat.  
S. 78c enacted by 48, 1955, s. 4.

**78c.** (1) This section shall apply only to carcasses and meat derived from stock which—

(a) was slaughtered at a slaughterhouse or abattoirs situated in the metropolitan abattoirs area and licensed by a council as permitted by section 79 or 109 of this Act; and

(b) was slaughtered for meat to be tinned or canned for export, or for curing bacon and hams, or for export otherwise than as fresh meat

<sup>1</sup> Pursuant to s. 8 of the Acts Republiation Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

in a chilled or frozen condition, or in the case of swine, for export as fresh meat in a chilled or frozen condition pursuant to a permit issued under section 50a of this Act; and

- (c) was after slaughter rejected by an inspector of the Commonwealth as not being suitable for export.

(2) The Minister may in his discretion grant to any person a permit to sell within the metropolitan abattoirs area such amounts of carcasses and meat to which this section applies as are specified in the permit.

(3) Any such permit may contain terms and conditions as to all or any of the following things, namely:—the duration of the permit, the quality, kinds and number or amount of carcasses and meat to be sold thereunder, the inspection and counting or weighing of such carcasses and meat, and any other matters which, in the Minister's opinion, are required for the purpose of ensuring compliance with law or in the interests of the public.

(4) Carcasses and meat may be sold in accordance with the terms of a permit granted under this section notwithstanding the other provisions of this Act.

(5) If a person to whom a permit is granted under this section contravenes or fails to observe any condition of the permit he shall be guilty of an offence.

Penalty: Two hundred dollars<sup>1</sup>.

(6) If a person is convicted of an offence under subsection (5) of this section the Minister may revoke the permit granted to such person.

(7) The fact that carcasses or meat sold under a permit granted pursuant to this section are not exported shall not affect any power of a constituent council or board of health to licence the slaughterhouse or abattoirs at which the stock from which such carcasses or meat was derived was slaughtered.

**78d.** (1) Notwithstanding any other provision of this Act if—

- (a) any stock are slaughtered for the purpose of export at a slaughterhouse or abattoirs situated within the State (whether situated within or outside the metropolitan abattoirs area) which is registered pursuant to any right, licence or authority granted by the Commonwealth; and

Sale in metropolitan abattoirs area of certain carcasses and meat.  
S. 78d enacted by 10, 1958, s. 2.  
Subsec. (1) amended by 99, 1972, s. 55 (a), (b).

- (b) the stock so slaughtered are the property of the person to whom the right, licence or authority has been issued in respect of the slaughterhouse or abattoirs (which person is hereinafter in this section referred to as the "licensee"); and

- (c) after slaughter of the stock any carcass, portion of a carcass, or meat derived from such stock is rejected by an inspector of the Commonwealth as not being suitable for export; and

- (d) the carcass, portion of a carcass or meat so rejected is, after payment of the prescribed fee and after inspection, branded by an inspector of the Corporation as suitable for human consumption,

Para. (d) amended by 99, 1972, s. 55 (a).

then, subject to subsection (2) hereof, such carcass, portion of a carcass or meat may be sold within the metropolitan abattoirs area.

The inspection referred to in paragraph (d) hereof shall, if the slaughterhouse or abattoirs is situated within the metropolitan abattoirs area, be made

<sup>1</sup> Pursuant to s. 8 of the Acts Republishing Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.



at the slaughterhouse or abattoirs and, if the slaughterhouse or abattoirs is not so situated, be made at a place appointed by the Corporation.

(2) Subsection (1) hereof shall not authorize the sale of carcasses, portions of carcasses or meat within the metropolitan abattoirs area beyond the following limits:—

During every period of twelve months ending on the thirtieth day of June the total weight of the carcasses, portions of carcasses and meat which may be so sold shall not exceed ten per centum of the total weight of the carcasses, portions of carcasses and meat which is derived from stock slaughtered for export by the licensee at such slaughterhouse or abattoirs and is exported as fresh meat in a chilled or frozen condition from the State during that period of twelve months.

If at any time during any such period of twelve months the Minister is satisfied that the weight of the carcasses, portions of carcasses or meat derived from stock slaughtered by a licensee as aforesaid which is sold or is available for sale within the metropolitan abattoirs area is or may be in excess of the weight which may be sold in accordance with the foregoing provisions of this subsection, the Minister, after informing the licensee of his intention to give notice as hereinafter mentioned and after considering such representations as the licensee may make to the Minister within the time appointed by the Minister may from time to time by notice in writing given to the licensee require that, during such period or periods during the said period of twelve months as are stated in the notice, the weight of carcasses, portions of carcasses and meat which may be so sold shall not exceed such percentage (being less than the percentage hereinbefore mentioned in this subsection) of the total weight of the carcasses, portions of carcasses and meat derived from stock slaughtered by the licensee and exported as aforesaid, as is stated in the notice in lieu of the percentage hereinbefore mentioned in this subsection. Any such notice may be given by registered post.

If after notice is given to any licensee as aforesaid, any carcass, portion of a carcass or meat derived from stock slaughtered by the licensee as aforesaid is sold within the metropolitan abattoirs area in contravention of the notice, the licensee shall be guilty of an offence against this Act.

Subsec. (3)  
amended by 99,  
1972, s. 55 (c).

(3) Every such licensee shall during the continuance of every such period of twelve months keep true and complete records showing in respect of such period of twelve months the total weight of carcasses, portions of carcasses, and meat which is from time to time exported as referred to in subsection (2) thereof and the total weight of the carcasses, portions of carcasses and meat which is from time to time sold within the metropolitan abattoirs area pursuant to this section. The licensee shall make the said records available for inspection by the Corporation or any officer of the Corporation at all reasonable times.

(4) It shall be a defence to any proceedings for an offence against paragraph (b) of section 70 if sufficient proof is given that the sale of the carcass or meat the subject of the complaint was authorized by the provisions of this section.

Private  
abattoirs closed.  
957, 1908, s. 55.  
2140, 1933,  
s. 40.

**79.** (1) No constituent council shall, nor shall any board of health, save as is in this section provided, issue any licence or licences for the slaughtering of stock.

Subsec. (2)  
amended by 17,  
1948, s. 5 (2).

(2) This section shall not apply to any slaughterhouse or abattoir used or intended to be used only for the purpose of slaughtering stock for meat to be tinned or canned for export, or for curing bacon and hams, or for the purpose

of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition or for the purpose of slaughtering swine for export as fresh meat in a chilled or frozen condition pursuant to a permit issued under section 50a.

80. (1) No person shall act as slaughterman or as attendant or assistant to any slaughterman at the abattoirs unless he is the holder of a licence issued by the Corporation and for the time being in force.

Licensing of  
slaughtermen.  
957, 1908,  
ss. 57, 58.  
Subsec. (1)  
amended by 99,  
1972, s. 56 (a).

Penalty: Twenty dollars<sup>1</sup>.

(2) Every licence under this section shall be granted for a period of not more than one year.

(3) The fee for a slaughterman's licence shall not exceed four dollars twenty cents<sup>1</sup>, and for an attendant's or assistant's licence one dollar<sup>1</sup>.

(4) No person under the age of seventeen years shall be licensed as a slaughterman, attendant, or assistant.

(5) The Corporation may employ slaughtermen, attendants, and assistants at the abattoirs without licensing them.

Subsec. (5)  
amended by 99,  
1972, s. 56 (b).

(6) Any licence issued under this section may be cancelled by the Corporation if the licensee omits to report forthwith to an inspector any case of disease which manifests itself in any stock slaughtered by him or for incapacity, misconduct, insobriety, or dirty habits.

Subsec. (6)  
amended by 99,  
1972, s. 56 (c).

(7) The secretary of the Corporation may at any time suspend the licence of any licensee alleged to be incapable or guilty of misconduct, insobriety, or dirty habits until the next meeting of the Corporation.

Subsec. (7)  
amended by 99,  
1972, s. 56 (d).

81. If any licensed slaughterman discovers any disease in any stock slaughtered by him and fails forthwith to report the discovery to an inspector, he may be instantly dismissed by the secretary, and shall, in addition thereto, be liable to a penalty of twenty dollars<sup>1</sup>.

Duty of  
licensed  
slaughtermen to  
report disease.  
957, 1908, s. 59.

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.

Exclusive right  
of Corporation  
to slaughter  
stock.  
1059, 1911,  
s. 10.  
S. 82 amended  
by 99, 1972,  
s. 57 (a), (b).

83. (1) No person shall slaughter any stock at the abattoirs without the consent or except in the presence of an inspector.

Inspection of  
livestock and  
carcasses.  
957, 1908, s. 60.

Penalty: One hundred dollars<sup>1</sup>.

(2) Upon the slaughter of any stock at the abattoirs the carcass thereof shall forthwith be inspected by an inspector.

(3) Except where this Act otherwise permits no person shall move any meat from the abattoirs unless an inspector has first declared it to be free from disease.

Penalty: One hundred dollars<sup>1</sup>.

(4) If the carcass of any stock slaughtered at the abattoirs is, after examination, found to be diseased, notice thereof in writing shall be given to the owner or his servant or agent as soon as practicable. If the owner or his servant or agent within four hours from the receipt of the notice, by writing

<sup>1</sup> Pursuant to s. 8 of the Acts Republishment Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

under his hand given to the chief inspector or superintendent of the abattoirs, disputes the fact that the carcass is diseased, the chief inspector or superintendent shall forthwith appoint an independent veterinary surgeon to inspect the carcass and the decision of the veterinary surgeon certified in writing shall be final.

Subsec. (5)  
amended by 99,  
1972, s. 58.

(5) If the decision of the veterinary surgeon is that the carcass is diseased the fee payable to him for inspection shall be paid by the owner upon demand and if not so paid shall be recoverable from him in any court of competent jurisdiction, but if the decision is otherwise the fee shall be paid by the Corporation.

(6) If no dispute arises within the said four hours the carcass shall be disposed of pursuant to the next succeeding section.

(7) The provisions of subsections (4), (5) and (6) apply to great cattle only.

Mode of dealing  
with diseased  
stock after  
slaughter.  
957, 1908, s. 61.

**84.** (1) Whenever, on the slaughter of any stock, it is found that such stock is diseased, it shall be the duty of an inspector, subject to the last preceding section hereof, forthwith to cause the carcass, or such part thereof as the 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.

Subsec. (2)  
amended by 99,  
1972, s. 59.

(2) The Corporation shall make such allowance to the owner of such stock as it considers just in all cases where the carcass is treated by the Corporation as a by-product.

Prohibition  
against  
slaughtering,  
etc.  
957, 1908, s. 62.  
S. 85 amended  
by 24, 1952,  
s. 3.

**85.** No person shall within the metropolitan abattoirs area—

- (a) keep or use any house or place, except as provided by section 79 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 abattoirs, whether the carcass has been boiled down or not; or
- (c) sell or supply for food for carnivorous or omnivorous animals any part of the carcass of any stock not slaughtered at the abattoirs, whether boiled down or not:

Provided that this section shall not apply to stock slaughtered by the Royal Zoological Society of South Australia Incorporated for consumption at the Zoological Gardens by animals thereat.

Duty of  
owners, etc., of  
stock dying.  
957, 1908, s. 63.  
S. 86 amended  
by 24, 1952,  
s. 4 (c) and as  
indicated  
hereinafter.

**86.** The owner or person in charge of any stock which dies within the metropolitan abattoirs area, or is killed at any place within such area other than at the abattoirs, shall, within twenty-four hours from the death or killing of such stock—

Para. (a)  
amended by  
2373, 1937, s. 8.

- (a) apply to the general manager of the abattoirs for leave to bury the carcass of such stock, and if leave be granted bury the same as directed by and under the supervision of an inspector; or

Para. (b)  
amended by 24,  
1952, s. 4 (a).

- (b) convey the carcass of such stock to the abattoirs to be disposed of as an inspector shall direct; or

Para. (c)  
Inserted by 24,  
1952, s. 4 (b).

- (c) arrange with the Royal Zoological Society of South Australia Incorporated for the carcass of such stock to be conveyed to the Zoological Gardens for consumption by animals thereat:

Provided that this section shall not apply to poultry. Provided also that this section shall not apply to stock slaughtered by the Royal Zoological Society of South Australia Incorporated for consumption at the Zoological Gardens by animals thereat.

87. (1) The Corporation shall from time to time cause all carcasses (except carcasses of diseased stock) slaughtered at the abattoirs, and the part of any carcass removed therefrom, or from the other premises mentioned in section 70, to be branded in the manner which the Corporation deems expedient.

Carcasses  
slaughtered to  
be branded.  
957, 1908, s. 64.  
1171, 1914, s. 7.  
Subsec. (1)  
amended by 99,  
1972, s. 60.

(2) Any person who, within the metropolitan abattoirs area, sells, or offers, keeps, or exposes for sale, or delivers on sale, or carries for delivery on sale, a carcass which has not been branded as required by this Act, or any portion of any carcass, which carcass has not been so branded, shall be liable to a penalty not exceeding one hundred dollars<sup>1</sup>.

Unbranded  
carcasses not to  
be sold or  
exposed for  
sale.

(3) In any proceedings for an offence under this section if it is proved that the carcass, or portion of carcass, with respect to which the offence is alleged to have been committed, was in the possession of the defendant, it shall be presumed that it was offered, kept, or exposed for sale, or was delivered on sale, or carried for delivery on sale (according to the nature of the offence alleged), by the defendant, unless he proves the contrary.

(4) In any proceedings for an offence under this section relating to portion of a carcass, if it is proved that the portion of a carcass in question was unbranded while in the defendant's possession, it shall be presumed that the carcass of which it was a portion had not been branded as required by this Act unless the defendant proves the contrary.

Subsec. (4)  
inserted by  
2373, 1937, s. 9.

(5) Every carcass or portion of a carcass or any meat or smallgoods which is or are on the premises of any person carrying on within the metropolitan abattoirs area the business of selling meat shall be deemed to be offered, kept or exposed for sale according to the nature of the offence charged. In this subsection "the premises of any person" includes any shop occupied by that person or by any member of his family, and any land or building which is adjacent to the shop, or forms part of the same premises as the shop, and is occupied by the person who occupies the shop or by any member of his family.

Subsec. (5)  
inserted by  
2373, 1937, s. 9.

88. Any person who—

- (a) 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; or
- (b) 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,

Unlawful  
branding or  
defacing  
brands.  
957, 1908, s. 65.

shall be liable to a penalty not exceeding two hundred dollars<sup>1</sup>, or to be imprisoned for any term not exceeding twelve months.

<sup>1</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

Buildings may be entered where stock or carcass is supposed to be. 957, 1908, s. 66. Subsec. (1) amended by 99, 1972, s. 61.

89. (1) Any officer of the Corporation, or any inspector, or 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 the metropolitan abattoirs area where any stock or carcass may be, or be supposed to be, and any such officer, inspector, member, or constable may, for the purposes of identification, make 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 delays or obstructs any such officer, inspector, member, or constable in the exercise of any power conferred by this section, or who without the authority of an inspector removes or defaces any such mark, shall be liable to a penalty of not more than twenty dollars<sup>1</sup>.

Seizure of unbranded carcasses. 957, 1908, s. 67. Subsec. (1) amended by 99, 1972, s. 62 (a).

90. (1) Any officer of the Corporation, or any inspector, or member of the police force, or any special or district constable may seize any carcass which does not appear to him to have been branded, or any meat which does not appear to him to be derived from a carcass which has been branded, if the carcass or the meat is either exposed for sale or in the possession of any person, apparently for the purpose of sale for 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.

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

(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 which had been branded in accordance with the provisions of this Act, shall be upon the complainant.

Subsec. (4) amended by 99, 1972, s. 62 (b), (c).

(4) If no such complaint is made within forty-eight hours after such seizure, or if such seizure is 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 Corporation: Provided that any carcass or any meat condemned by any inspector shall be disposed of as provided in section 84 hereof, or as the secretary of the Corporation may direct.

Subsec. (5) amended by 99, 1972, s. 62 (d).

(5) If any person without the authority of the Corporation removes or takes away any carcass or meat so seized, that person, in addition to any other punishment to which he may be liable shall be guilty of an offence against this Act.

Subsec. (6) amended by 99, 1972, s. 62 (e).

(6) Any person who refuses to give information, or gives false information, in answer to any inquiry made in the course of his duty by any inspector or officer of the Corporation, member of the police force, or special or district constable shall be liable on conviction to a penalty of ten dollars<sup>1</sup>.

Subsec. (7) amended by 99, 1972, s. 62 (f).

(7) It shall be the duty of every member of the police force and every special constable and every district constable who finds any person committing a 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

<sup>1</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

and place of abode of such person as soon as may be to the secretary of the Corporation.

(8) Any person who on demand made in accordance with this section refuses to state his name and place of abode or states a false name or place of abode, shall be liable on conviction to a penalty of ten dollars<sup>1</sup>.

91. (1) The Corporation may deliver meat of stock slaughtered at the abattoirs to the owners within the metropolitan abattoirs area, and may make such charges for the delivery thereof as it may think fit: Provided that the charges for delivery of meat to retail butchers shall be the same throughout the said area irrespective of distance or the places where such butchers respectively carry on business.

Corporation to have exclusive rights to deliver meat from abattoirs.  
957, 1908, s. 68.  
1059, 1911, s. 11.  
Subsec. (1) amended by 99, 1972, s. 63 (a), (b).

(2) The Corporation shall have a lien on all stock and meat of any owner for the time being on the property of, or in the possession of, the Corporation for charges for slaughtering or delivery for the time being owing by him to the Corporation.

Subsec. (2) amended by 99, 1972, s. 63 (c).

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.

Blood, etc., to be rendered merchantable.  
957, 1908, s. 69.  
S. 92 amended by 99, 1972, s. 64.

93. (1) The Corporation shall cause all carcasses slaughtered outside the metropolitan abattoirs area and brought to the abattoirs or other premises mentioned in section 70 for examination, to be examined by an inspector, upon payment of such reasonable fees as are from time to time fixed by the Corporation.

Meat slaughtered outside the abattoirs area to be inspected at abattoirs.  
957, 1908, s. 70.  
Subsec. (1) amended by 99, 1972, s. 65.

(2) If upon examination the 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 carcasses shall be retained and disposed of in manner mentioned in section 84.

(3) 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: Provided that the carcasses of stock (with the exception of calves) may be cut in halves.

## PART V

## PART V

### MARKETS FOR STOCK

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:

Establishment of markets.  
957, 1908, s. 71.  
S. 94 amended by 99, 1972, s. 66.  
Para. (a) amended by 99, 1972, s. 66.

(b) from time to time alter, remove, and extend the same.

<sup>1</sup> Pursuant to s. 8 of the Acts Reproduction Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

## PART V

Restriction on sale of stock.  
1059, 1911, s. 15.  
1171, 1914, s. 9.  
2140, 1933, s. 43.  
S. 95 amended by 10, 1962, s. 4; 99, 1972, s. 67 (a), (b).

**95.** No person shall, without the consent of the Corporation or the Minister (which consent the Minister is hereby authorized to give), sell by auction any cattle, sheep, calves or pigs at any saleyard or other premises within the metropolitan abattoirs area except the market established by the Corporation: Provided that—

(a) nothing in this section shall prohibit the sale by auction or otherwise of any stock on premises owned or occupied by the owner of the stock:

Para. (b) amended by 99, 1972, s. 67 (b).

(b) the Corporation may establish a market in the City of Adelaide for the sale of milch cows only.

For the purpose of this section the term "milch cows" includes springers and dry cattle as well as cows in milk.

Control of stock markets.  
S. 96 substituted by 99, 1972, s. 68.

**96.** No markets for the sale of stock, other than those referred to in section 94 of this Act, shall be established, erected or proclaimed within the metropolitan abattoirs area, any provision to the contrary in any Act notwithstanding.

Power of Corporation to establish stores.  
S. 96a enacted by 43, 1945, s. 11; amended by 99, 1972, s. 69 (a), (b).

**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.  
S. 96b enacted by 43, 1945, s. 11; amended by 99, 1972, s. 70 (a), (b).

**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 VI

## PART VI

## POWER TO TAKE LAND, ETC.

Power to take land compulsorily.  
957, 1908, s. 75.  
S. 97 amended by 99, 1972, s. 71 (a), (b).

**97.** For the purposes of this Act subject to and in accordance with the Land Acquisition Act, 1969, as amended<sup>1</sup> the Corporation may compulsorily take land within the metropolitan abattoirs area (except park lands or public reserves and lands subject to the public right of way), and, with the consent of the Governor, land in any part in the State.

S. 98 repealed by 99, 1972, s. 72.

\* \* \* \* \*

Enhancement of owner's land to be considered in estimating compensation.  
S. 99 amended by 99, 1972, s. 73.

**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.

<sup>1</sup> Now Land Acquisition Act, 1969-1972.

100. (1) Subject to subsection (2) hereof, the Corporation, and all persons by it authorized, 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—

Power to take temporary possession of land.  
Subsec. (1) amended by 99, 1972, s. 74.

- (a) taking earth by side-cuttings therefrom;
  - (b) depositing soil thereon;
  - (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.

Para. (a) amended by 21, 1974, s. 7 (a).

Para. (d) amended by 21, 1974, s. 7 (b).

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

Power to take timber, clay, etc., from land.  
Subsec. (1) amended by 99, 1972, s. 75 (a).

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

Subsec. (2) amended by 99, 1972, s. 75 (b).

(3) No stone or slate quarry, brickfield, or other like place which, on the twenty-third day of December, 1890<sup>1</sup>, 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.

Subsec. (3) amended by 99, 1972, s. 75 (c).

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.

Corporation to separate lands if required.  
Subsec. (1) amended by 99, 1972, s. 76 (a).

(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.

Subsec. (2) amended by 99, 1972, s. 76 (b).

<sup>1</sup> Reference to the year eighteen hundred and ninety altered to 1890 pursuant to s. 7 (1) of the Acts Republiation Act, 1967, as amended.



## PART VI

Compensation to be made for temporary occupation.

Subsec. (1) amended by 99, 1972, s. 77 (a).

**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.

Subsec. (2) amended by 99, 1972, s. 77 (b).

(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.

Subsec. (3) amended by 99, 1972, s. 77 (c); 21, 1974, s. 8.

(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.  
S. 104 amended by 99, 1972, s. 78 (a), (b).

**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<sup>1</sup>, for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Corporation may make surveys.  
S. 105 amended by 99, 1972, s. 79.

**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.

Subsec. (1) amended by 99, 1972, s. 80 (a), (b); 21, 1974, s. 9.  
Para. (a) amended by 21, 1974, s. 9.

**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;

Para. (b) amended by 99, 1972, s. 80 (b).

(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.

Subsec. (2) amended by 99, 1972, s. 80 (c).

(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.

## PART VII

## PART VII

Heading amended by 43, 1945, s. 12.

## ALTERATION OF THE METROPOLITAN ABATTOIRS AREA

Extension of metropolitan abattoirs area.  
957, 1908, s. 78.

**107.** (1) The Governor may, by proclamation upon a request in writing being made to him by any municipal or district council whose municipality or district is contiguous to the metropolitan abattoirs area that it desires to become a constituent council declare that that council shall be a constituent

<sup>1</sup> Now Land Acquisition Act, 1969-1972.

council, and that this Act shall, from a date to be mentioned in the proclamation (that date being the commencement of a financial year) apply within the municipality or district, or portion of the municipality or district, to be also therein mentioned, of that council.

(2) The request shall define the municipality or district or portion of the municipality or district under the jurisdiction of such council within which it is desired that this Act shall apply.

(3) No such request shall be made until all terms and conditions are mutually agreed upon between the Corporation and the constituent councils for the time being under this Act, and the council desiring to become a constituent council.

Subsec. (3)  
amended by 99,  
1972, s. 81.

108. (1) The proclamation shall define the municipality or district or portion of a municipality or district within which the provisions of this Act are to apply, and shall be published in the *Gazette*.

Effect of  
proclamation.  
957, 1908, s. 79.

(2) After the date therein fixed for this Act to apply the council named therein shall become a constituent council and the municipality or district or portion of a municipality or district defined in the proclamation shall form part of the metropolitan abattoirs area.

109. (1) After the time fixed by proclamation for this Act to apply to any municipality or district or portion of any municipality or district, all private abattoirs or slaughterhouses within the municipality or district or portion of the municipality or district defined in such proclamation shall be closed by the owner, occupier, or person having the control or management thereof.

Private  
abattoirs or  
slaughterhouses  
to be closed in  
added area.  
957, 1908, s. 80.  
1009, 1910,  
s. 14.  
2140, 1933,  
s. 41.

(2) After the said time no such municipal or district council, or board of health shall, save as in this section provided, issue any licence for the slaughtering of stock within such municipality or district, or portion thereof: Provided that this section shall not apply to any slaughterhouse or abattoirs established or to be established within the limits of its municipality or district or such portion thereof as aforesaid, if the slaughterhouse or abattoirs is or are used or intended to be used only for slaughtering stock for meat to be tinned or canned for export, or for curing bacon and hams, or for the purpose of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition or for the purpose of slaughtering swine for export as fresh meat in a chilled or frozen condition pursuant to a permit issued under section 50a.

Subsec. (2)  
amended by 17,  
1948, s. 5 (3).

109a. (1) An application that any territory within the metropolitan abattoirs area shall be excluded from that area, may be made to the Minister in writing by—

Exclusion of  
territory from  
abattoirs area.  
S. 109a enacted  
by 43, 1945,  
s. 13.

(a) the Corporation; or

(b) the constituent council within whose municipality or district that territory is situated.

Para. (a)  
amended by 99,  
1972, s. 82 (a).

(2) The application shall define the territory proposed to be excluded from the metropolitan abattoirs area, and where that territory is part of a municipality or district shall also separately define the part of that municipality or district within which it is proposed that this Act shall continue to apply.

(3) An application shall not be made under this section by a constituent council except with the consent of the Corporation. Such consent may be given upon any terms and conditions which the Corporation thinks proper, and where

Subsec. (3)  
amended by 99,  
1972, s. 82 (b).

any such terms and conditions are imposed, the application shall not be made unless they are accepted by the council.

(4) When an application has been duly made under this section the Governor may by proclamation declare—

(a) that from a day to be mentioned in the proclamation, being the commencement of a financial year, the territory defined in the proclamation shall be excluded from the metropolitan abattoirs area;

(b) where that territory is part of a municipality or district, that this Act shall continue to apply only within that part of the municipality or district which is defined in the proclamation.

(5) As from the day specified in the proclamation the metropolitan abattoirs area shall be altered in accordance with the terms of the proclamation.

S. 110 repealed  
by 21, 1974,  
s. 10.

\* \* \* \* \*

Provisions for  
cases where  
portions of a  
municipality or  
district within  
the metropolitan  
abattoirs area is  
created a new  
municipality or  
district, or  
added to  
another  
municipality or  
district.  
1253, 1916, s. 3.

**111.** (1) If any portion of a municipality or district within the metropolitan abattoirs area is severed and created a new municipality or district or added to another municipality or district pursuant to the powers in that behalf contained in the Local Government Act, 1934<sup>1</sup>, this Act shall continue to apply to the severed portion as if no severance had taken place until the Governor by proclamation declares the new municipality or district to be within the metropolitan abattoirs area and its council to be a constituent council, or declares the council to whose municipality or district the severed portion is added to be a constituent council and such severed portion to be within the metropolitan abattoirs area, as the case may be, and until in either case the Governor adjusts the rights and liabilities of the several councils concerned.

(2) Where any portion of any municipality or district as is severed and dealt with as mentioned in subsection (1) the Governor may by proclamation declare, if such severed portion is created a new municipality or district, that such new municipality or district shall, from a date to be mentioned in such proclamation (such date being the commencement of a financial year), be within the metropolitan abattoirs area, and that its council shall be a constituent council, or, if such severed portion is added to another municipality or district, that the council to whose municipality or district the severed portion is added shall, from such a date as aforesaid, be a constituent council, and that the severed portion shall be within the metropolitan abattoirs area.

(3) The Governor may by such proclamation as aforesaid order, apportion, settle, and adjust the rights, liabilities, or matters which he considers ought to be ordered, apportioned, settled, or adjusted in consequence of any severance as aforesaid.

<sup>1</sup> Now Local Government Act, 1934-1975.

## PART VIII

## PART VIII

## RESOLUTIONS AND REGULATIONS

Heading substituted by 99, 1972, s. 83.

Resolutions of the Corporation. S. 111a enacted by 99, 1972, s. 84.

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 V of this Act and of sustenance fees for stock;
  - (b) fix the fees for examining stock, for examining and branding of carcasses, and for giving certificates as to any examination of stock or of any carcass or meat made by or under the direction of an inspector;
  - (c) fix the fees payable in respect of any condemned carcasses or meat dealt with under regulations made pursuant to the powers conferred by paragraph (12) of section 112 of this Act;
  - (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.

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<sup>1</sup>.

Effect of resolution fixing fees, etc. S. 111b enacted by 99, 1972, s. 84.

(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.

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:—

Regulations. 957, 1908, s. 81. S. 112 amended by 99, 1972, s. 85.

- (1) Prescribing the conditions on which stock may be received into or supplied or removed from the abattoirs;
- (2) Prescribing the duties of inspectors, superintendents, clerks, mechanics, slaughtermen, and other officers and servants of the Corporation, and for regulating and enforcing the due performance of such duties;
- (3) For licensing and registering persons engaged in tending and slaughtering stock, and in dressing carcasses at the abattoirs;
- (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;

Para. (2) amended by 99, 1972, s. 85 (b).

<sup>1</sup> This must be a reference to the Metropolitan and Export Abattoirs Act Amendment Act, 1972.

- (5) For the examination of stock and carcasses by inspectors and veterinary surgeons, and for prescribing the mode of dealing with stock at the abattoirs when suspected of being affected with disease, and of dealing with carcasses and meat found to be so affected:
- (6) Prescribing the mode of slaughtering animals and of flaying and dressing carcasses:
- (7) For the examination by inspectors of the different parts of a carcass after slaughter at the abattoirs, and for preventing the parts of one carcass being mixed with those of another prior to examination:
- (8) For the examination by inspectors of carcasses slaughtered without the metropolitan abattoirs area, and for prescribing what organs must be attached to such carcasses of various animals, and how attached, and as regards the examination of carcasses elsewhere than at the abattoirs, prescribing the place at which and the days and times when such carcasses will be received for that purpose:
- (9) For the branding or marking of carcasses and of any part thereof:
- (10) Fixing the rates of slaughtering fees or of dues payable for the use of the abattoirs and of the markets, under Part V of this Act, and of sustenance fees for stock:
- (11) Fixing the fees for examining stock, for examining and branding of carcasses, and for giving certificates as to any examination of stock or of any carcass or meat made by or under the direction of an inspector:
- (12) 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:
- (13) Prescribing the mode of removing, dealing with, and disposing of blood, offal, garbage, refuse matters, and manure from the abattoirs, and the disposal of hides, skins, hair, hoofs, and horns of stock slaughtered thereat:
- (14) 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:
- (15) 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:
- (16) For maintaining the cleanliness of the abattoirs and of appliances used thereat, and the cleanliness of the clothing of persons engaged therein or slaughtering or dressing carcasses therein:
- (17) For preventing persons affected with communicable disease being employed in the handling of carcasses or meat:
- (18) For stopping temporarily the manufacture and sale of small goods in circumstances in which danger to the consumer is apprehended owing to uncleanliness, or to the presence of infection on, about, or near the premises where such manufacturing or sale is carried on:

- (19) For maintaining the cleanliness of meat markets, meat stalls, butchers' shops, small goods manufacturing houses, or 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:
- (20) For prohibiting the carriage or delivery of meat in open vehicles:
- (21) For regulating or prohibiting the hawking of meat in metropolitan abattoirs area, or in any part thereof:
- (22) For prohibiting the carriage of meat with other goods:
- (23) For providing for the keeping of books recording the number of each kind of stock daily slaughtered and the brands and other particulars the Corporation may consider necessary: Para. (23) amended by 99, 1974, s. 85 (c).
- (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: Para. (25) amended by 99, 1972, s. 85 (d).
- (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: Para. (26) inserted by 43, 1945, s. 14; amended by 99, 1972, s. 85 (e), (f).
- (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. Para. (27) inserted by 43, 1945, s. 14; amended by 99, 1972, s. 85 (g).

**113.** (1) Any regulation may impose any penalty not exceeding forty dollars<sup>1</sup> 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<sup>1</sup> for each day that the breach is continued. Provisions as to regulations. 957, 1908, ss. 82, 83, 84.

(2) All regulations made under this Act shall be subject to the approval of the Central Board of Health and 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.

**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. Validity of regulations, etc. 957, 1908, s. 85. 2168, 1934, s. 4. Subsec. (1) amended by 99, 1972, s. 86.

<sup>1</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

(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 IX

## PART IX

## MISCELLANEOUS

Definition of  
"offence."  
957, 1908, s. 86.

**115.** Every person commits an offence against this Act who directly or indirectly, by himself, his servant, or agent—

(1) does anything declared by this Act to be unlawful:

(2) fails to perform faithfully or observe any duty or obligation imposed by this Act:

Para. (3)  
amended by 99,  
1972, s. 87.

(3) prevents, obstructs, or hinders any employee, inspector, or other officer of the Corporation, or any member of the police force, or any special or district constable in the exercise of any power or function conferred by this Act.

Penalties.  
957, 1908, s. 87.

**116.** (1) The penalty for any offence under this Act for which no penalty is elsewhere specifically provided shall be a fine not exceeding fifty dollars<sup>1</sup>.

(2) The minimum penalty for any offence against this Act shall be one-tenth of the maximum penalty for such offence, and in no case shall section 75 of the Justices Act, 1921<sup>2</sup>, apply or be brought into operation in any way in any proceedings under this Act or any regulation hereunder.

Presumption of  
knowledge.  
957, 1908, s. 88.

**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.  
957, 1908, s. 89.  
S. 118 amended  
by 99, 1972,  
s. 88.

**118.** If default be made by any person in the payment of any fees, dues, tolls, or charges, the Corporation, or any person authorized by the Corporation, or the secretary, or any inspector 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 abattoirs or the markets for stock respectively belonging to the defaulter in like manner as in the case of rent in arrear.

Application of  
Health Acts.  
957, 1908, s. 90.

**119.** The abattoirs shall, subject to this Act, be under the provisions of the Health Act, 1935<sup>3</sup>.

Hearing of  
complaints and  
informations.  
957, 1908, s. 91.

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

Subsec. (2)  
amended by 99,  
1972, s. 89.

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

<sup>1</sup> Pursuant to s. 8 of the Acts Republiation Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

<sup>2</sup> Now Justices Act, 1921-1975.

<sup>3</sup> In a previous reprint of this Act the expression "The Health Act, 1898" had been altered to "the Health Act, 1935" (now Health Act, 1935-1975) pursuant to the Acts Republiation Act, 1934.

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

Legal proceedings, in whose name.  
957, 1908, s. 92.  
S. 121 amended by 99, 1972, s. 90.

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.

Authority.  
957, 1908, s. 93.  
S. 122 amended by 99, 1972, s. 91.

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, or of any inspector or officer of the Corporation, or any member of the police force, or any special or district constable.

Proof.  
957, 1908, s. 94.  
Subsec. (1) amended by 99, 1972, s. 92.

(2) A certificate under the hand of the secretary or the oath of any inspector or officer shall be sufficient evidence of the boundaries of the metropolitan abattoirs area until the contrary be proved.

(3) Any proclamation or notice thereof in the *Gazette* shall, unless shown to have been repealed, be conclusive evidence of the said boundaries.

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.

Contents of books may be proved by certified copies.  
957, 1908, s. 95.  
S. 124 amended by 99, 1972, s. 93.

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

Service of notices, etc., upon the Corporation.  
957, 1908, s. 95.  
S. 125 amended by 99, 1972, s. 94.

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 authorized 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.

Service of notices.  
957, 1908, s. 97.  
Subsec. (1) amended by 99, 1972, s. 95.

(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.

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.

Proof of service.  
957, 1908, s. 98.



Authentication  
of certain  
documents.  
957, 1908, s. 99.  
S. 128 amended  
by 99, 1972,  
s. 96.

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

## SCHEDULES

### THE FIRST SCHEDULE

#### *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 <sup>1</sup> .

2nd Sched.  
repealed by 99,  
1972, s. 97.

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<sup>1</sup> This must be a reference to the Metropolitan and Export Abattoirs Act Amendment Act, 1936.