

METROPOLITAN AND EXPORT ABATTOIRS ACT, 1936.

No. 2291 of 1936.

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

[Assented to 8th October, 1936.]

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 "Metropolitan and Export
Abattoirs Act, 1936," and shall come into operation on a day
to be fixed by the Governor by proclamation.

Short title and
commence-
ment.
Cf. U.K.
10 & 11
Vict. c. 34,
ss. 125-131,
134.

Division.

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

PART I.—Preliminary : sections 1-8.

PART II.—The Metropolitan and Export Abattoirs
Board : sections 9-52.

PART III.—Finance : sections 53-67.

PART IV.—Abattoirs : sections 68-93.

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

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

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

PART VIII.—Regulations : sections 112-114.

PART IX.—Miscellaneous : sections 115-128.

s. 1. This Act was proclaimed to commence on 1st April, 1937: *Gazette* 25th March, 1937,
p. 646.

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 :

“ board ” means the Metropolitan and Export Abattoirs Board continued in existence by this Act :

“ 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 :

“ inspector ” means an inspector appointed under this Act or the Acts repealed by this Act. The term includes the chief inspector :

“ Master Butchers Limited ” means the company by that name incorporated under the Companies Act, 1892 :

“ 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 :

"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 :

"municipality" means municipality as defined in the Local Government Act, 1934 :

"Pig Breeders' Society" means the Australian Stud Pig Breeders' Society, South Australian Branch :

"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, and poultry of all kinds, and includes all other animals which the Governor from time to time, by proclamation, declares to be stock for the purposes of this Act :

"Stockowners' Association" means the Stockowners' Association of South Australia :

"Stock Salesmen's Association" means the Stock Salesmen's Association of South Australia :

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

"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.
Second
Schedule.
957, 1908, s. 4.

5. Notwithstanding anything contained in the Hawkers Act, 1934, The Markets Clauses Act, 1870-71, the Health Act, 1935, the Local Government Act, 1934, this Act shall be administered by the board, 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.

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.

s. 5. The expression "the Health Act, 1935," has been substituted for "The Health Act, 1898," pursuant to the Acts Republication Act, 1934.

Metropolitan
abattoirs area.
957, 1908,
s. 6 (2) and 7.
1979, 1925 s. 3.
Proclamation
in *Gazette*
Extraordinary
3rd Dec., 1909,
Gazette 4th
Dec., 1909,
Gazette 23rd
Nov., 1916,
Gazette 27th
August, 1936.

7. (1) The metropolitan abattoirs area shall consist of the following territory :—

- (a) The municipalities of Adelaide, Unley, Hindmarsh, Kensington and Norwood; St. Peters, Thebarton, Burnside, Woodville, Port Adelaide, Henley and Grange, Brighton, Glenelg, and Prospect :
- (b) The districts of Payneham, Walkerville, West Torrens, Campbelltown and Enfield :
- (c) The whole of the district of Mitcham except the portion thereof lying to the south of a line drawn due east and west at a distance of five miles in a direct line due south of the General Post Office, Adelaide, the western end of that line being on the southern railway line and from that point lying to the east of that railway line to its most southerly point in the district of Mitcham and thence lying to the east of a line drawn due south to the boundary of the district of Mitcham.
- (d) That part of the district of Salisbury, which before the formation of that district formed the district of Yatala North :
- (e) The Garden Suburb :
- (f) That portion of the district of Marion north and north-east of the following boundary :—Commencing at a point on the western boundary of the district, being the south-western corner of section 185, hundred of Noarlunga ; thence easterly along the southern boundaries of sections 185, 139, and portion of the southern boundary of section 122 of the said hundred to the eastern boundary of the district.

(2) The metropolitan abattoirs area may be extended 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-applica-
tion 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.

s. 7. (2) Up to the 24th May, 1937, the metropolitan abattoirs area had not been extended beyond the territory set out in s. 7 (1).

PART II.

PART II.

THE METROPOLITAN AND EXPORT ABATTOIRS
BOARD.

9. (1) The board known as the "Metropolitan and Export Abattoirs Board" shall continue in existence under that name.

Continuance
of Board.
2140, 1933,
s. 4.

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

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

10. (1) The board shall consist of a chairman and six members.

Members of
Board.
2140, 1933,
s. 5.

(2) The chairman shall be appointed in manner provided by the next following section.

(3) Three of the members (in this Act sometimes called "consumers' representatives") shall be elected by the constituent councils in accordance with this Act.

(4) The remaining three members (in this Act sometimes called "industry representatives") shall be elected by delegates representing—

(a) the Stockowners' Association :

(b) the Stock Salesmen's Association :

(c) the Pig Breeders' Society :

(d) Master Butchers, Limited :

(e) the butchers carrying on within the metropolitan abattoirs area, as their sole or principal business, the business of selling fresh meat, and who are not members of Master Butchers, Limited :

(f) the persons, not being members of the Stockowners' Association, who have disposed of any stock through the markets of the board during the twelve months preceding the appointment of the delegates.

(5) When the seat of any member of the board becomes vacant by effluxion of time or on the occurrence of a casual vacancy, a person shall be appointed or elected to that seat by the authority or persons who appointed or elected the previous holder of the seat.

Election of
chairman.
2140, 1933,
s. 6.

11. (1) Whenever the chairman has held office for six years or a casual vacancy occurs in the office of chairman, the board shall forthwith proceed to choose a chairman. If within fourteen days after the expiration of the said period or the occurrence of such a vacancy, the board fails or neglects to choose a chairman, the Governor shall appoint a chairman.

(2) The chairman to be so chosen or appointed may be a person who is a member of the board or who is not such a member. If a member is chosen or appointed as chairman, the seat of such member shall become vacant.

Remuneration
of the Board.
2140, 1933,
s. 7.
2264, 1936,
s. 3.

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

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

Term of office.
2140, 1933,
s. 8.

13. (1) Except as provided in this and the following sections the chairman and every member of the board shall hold office for six years, and thereafter until his successor is appointed, but a retiring chairman or member shall be eligible for re-election.

(2) One of the consumers' representatives and one of the industry representatives on the first board appointed after the seventh day of December, nineteen hundred and thirty-three, shall retire at the end of two years after the twelfth day of April, nineteen hundred and thirty-four; and another consumers' representative and another industry representative shall retire at the end of four years after the said day. The members so to retire shall be determined by lot. In drawing lots to determine who is to retire at the end of four years from the said day, the members elected at the end of two years from that time shall not take part.

(3) The term of the first chairman and members shall be computed from the twelfth day of April, nineteen hundred and thirty-four, and of every subsequent chairman or member from the last day of the term of his predecessor.

Casual
vacancies.
2140, 1933,
s. 9.

14. (1) The seat of the chairman or any member of the board 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 twenty shillings in the pound:

(b) he is convicted for an indictable offence:

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

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

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

15. (1) Elections shall be held to fill vacancies on the board—

Elections and
returning
officers.
2140, 1933,
s. 10.

(a) within three months prior to the occurrence of a vacancy by effluxion of time :

(b) as soon as practicable after the occurrence of a casual vacancy.

(2) The board shall appoint a returning officer to conduct every election.

16. The following provisions shall apply to every election of consumers' representatives or a consumers' representative :—

Election of
consumers'
representatives.
2140, 1933,
s. 11.

(a) The returning officer shall by public notice call for nominations of intending candidates at the election, and shall by the notice fix the form of nomination and the time, being not less than fourteen days after the giving of the notice, within which nominations may be received by the returning officer. The said notice may contain any other particulars concerning nominations which the returning officer thinks fit :

(b) No person shall be eligible as a candidate at any such election unless he is duly nominated by a constituent council in writing signed by the clerk thereof ;

(c) No council may nominate more than one candidate at any election :

(d) If no more nominations are received than there are seats to be filled, the persons nominated shall be deemed elected :

(e) If more nominations are received than there are seats to be filled, the returning officer shall conduct an election by postal ballot papers posted to every councillor entitled to vote :

(f) Every councillor (including mayors, chairmen, and aldermen) of a constituent council shall be entitled to vote for not more than the number of consumers' representatives required to be elected :

- (g) A vote shall be recorded by placing a cross substantially within the square on the ballot-paper opposite to the name of the candidate voted for :
- (h) The candidate or the candidates, as the case may be, receiving the highest number of votes shall be elected :
- (i) If the votes for two or more candidates for any seat are equal in number, the returning officer shall have a casting vote.

Appointment
of delegates to
elect industry
representatives.
2140, 1933,
s. 12.

17. The following provisions shall apply to every appointment of delegates to elect industry representatives or an industry representative :—

- (a) The returning officer shall by public notice call upon the bodies and persons hereinafter mentioned, to appoint within three weeks after the giving of the notice, delegates to elect the said representatives or representative :
- (b) The bodies and persons so called upon and the number of delegates to be appointed shall be as follows :—
 - (i.) The Council of the Stockowner's Association shall appoint four delegates :
 - (ii.) The Stock Salesmen's Association shall appoint four delegates :
 - (iii.) The Committee of the Pig Breeders' Society shall appoint two delegates :
 - (iv.) The Directors of Master Butchers Limited shall appoint two delegates :
 - (v.) The Minister shall appoint two delegates to represent the butchers who are not members of Master Butchers Limited and who carry on within the metropolitan abattoirs area the business of selling uncooked meat by retail.

Any two or more of the said butchers may nominate a person for appointment by the Minister as a delegate.

If more than two persons are so nominated the Minister shall select and appoint two delegates from the persons so nominated.

If only two persons are so nominated the Minister shall appoint those persons as delegates.

If only one person is so nominated, the Minister shall appoint that person and one other suitable person selected by himself as delegates.

If no persons are so nominated the Minister shall appoint two suitable persons selected by himself as delegates :

(vi.) The Minister shall appoint two delegates to represent the persons not being members of the Stockowners' Association, who have disposed of stock through the markets of the board during the twelve months preceding the appointment :

(c) When any delegates are appointed, the body or persons by whom they were appointed shall notify the returning officer in writing of the persons so appointed :

(d) If any delegates are not appointed within the time fixed under paragraph (a) the industry representatives or representative shall be elected by those delegates who are so appointed.

18. The following provisions shall apply to every election of any industry representatives or representative :—

Election of
industry
representatives
by delegates.
2140, 1933,
s. 13.

(a) As soon as practicable after the expiration of the time for appointing delegates the returning officer shall fix a time and place for holding a meeting of the delegates to elect the required number of industry representatives, and shall give each delegate not less than fourteen days' notice of the time and place so fixed, and with such notice shall furnish the delegate with a form of nomination :

(b) No person shall be eligible as a candidate for election unless he is duly nominated, in writing, by at least two delegates and unless the nomination is given to the returning officer at least two clear days before the day of election :

- (c) At the election the voting shall be by ballot, and each voter shall be entitled to vote for not more than the number of industry representatives required to be elected :
- (d) A vote shall be recorded by placing a cross on the ballot paper substantially within the square opposite to the name of each candidate voted for :
- (e) The candidate or candidates, as the case may be, receiving the highest number of votes shall be elected :
- (f) If an equal number of votes is given for two or more candidates for any seat the returning officer shall have a casting vote.

Certificate to
Minister of
successful
candidates and
notice in the
Gazette.
2140, 1933,
s. 14.

19. (1) The returning officer shall, in writing, certify to the Minister the names of the successful candidates at each election.

(2) The Minister shall publish in the *Gazette* a notice stating the name and address of every person appointed or elected to the board and the name of the authority or association by whom he was appointed or elected.

(3) The said notice shall be conclusive evidence of the due election or appointment of the person therein named.

Regulations as
to elections.
2140, 1933,
s. 15.

20. The Governor may make regulations prescribing any matters relating to nominations and elections and not provided for in this Act.

Default in
elections.
2140, 1933,
s. 16.

21. If any election is not duly held within the time fixed by this Act, the Governor may make any appointment necessary to fill any seat on the board which should have been filled at that election.

Right of
councillors to
sit on board.
957, 1903,
s. 12.

22. The appointment of any member of a council as a member of the board 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, 1903,
s. 17.
2140, 1933,
s. 31.

23. (1) A quorum shall consist of any four 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.

24. (1) The board shall meet for the dispatch of business at such places and at such times, not being less than once in every six weeks, as the board from time to time determines.

Meetings of
Board.
957, 1908,
s. 18.

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

(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 board before the time appointed for such meeting; and such notice shall in all cases of special or emergency meetings state the time, place, and business of such meeting.

25. The board may, from time to time, appoint a committee or committees of its members, and may delegate to any such committee any of its powers and duties under this Act which it thinks fit.

Power to
appoint
committees.
957, 1908,
s. 18 (3).

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

Effect of
defects in
appointment.
959, 1908,
s. 19.

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

27. (1) The board 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.

(2) The receipt of the secretary or other person duly authorised by the board 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 board.

Officers.
957, 1908,
s. 21.

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

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

Payment of
salaries.
957, 1908,
s. 22.

29. The board may pay to the secretary and treasurer, and to every person appointed or employed by the board, 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.

Power of
Board to
contribute to
superannuation
funds.
1796, 1927,
s. 4.

30. The board may—

(a) pay retiring allowances to any officers or servants of the board or to the widows or children of any such officers or servants who die while in the employ of the board :

(b) make contributions to any superannuation or pension fund for the benefit of the officers or servants of the board, or of the widows or children of any such officers or servants who die while in the employ of the board or who die whilst in the receipt of a pension after retirement from the employment of the board.

Travelling
expenses.
957, 1908,
s. 23.

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

Remuneration
for information.
957, 1908,
s. 24.

32. The board may remunerate any person giving information to the board or any of its officers of the commission of any offence under this Act, and may agree with any informer to pay him not more than twenty-five pounds per centum of the fine recovered from any person convicted of an offence under this Act upon information given to the board by such informer.

Basis of
assessment of
Board's lands
for rates.
1059, 1911,
s. 3.

33. The assessment for municipal or district council rates of any land of or held by the board, 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 board, but not excepting any buildings or parts of buildings used as offices or dwelling-houses.

34. (1) If any dispute arises between any of the employees of the board, or any trades or other union, or any association or organization of or on behalf of such employees, and the board as to the wages or remuneration to be paid to such employees or other employees of the board, or as to their hours of work or any other condition of their employment, such dispute shall be forthwith referred to an arbitrator or arbitrators to be mutually agreed upon between the parties or, failing such agreement, to the Industrial Court constituted by the Industrial Code, 1920, or any Court to which the functions of the said Court are by any Act transferred.

Industrial
disputes to be
settled by
arbitration.
1059, 1911,
s. 12.

(2) The award of such arbitrator or arbitrators or of the Court (as the case may be) shall be final and shall not be reopened for a period of at least twelve months from the date thereof.

35. (1) If any of the employees of the board on account of any such dispute, discontinue their employment, or break their contracts of service, or refuse or fail after such discontinuance to resume or return to their employment they shall be guilty of an act in the nature of a strike ; and every person, or trades or other union, or association or organization who or which in any way counsels, takes part in, supports, or assists directly or indirectly any such act shall also be guilty of an act in the nature of a strike.

Strikes
prohibited.
1059, 1911,
s. 13.

(2) Any person, trades or other union, or association or organization guilty of an act in the nature of a strike, within the meaning of this section, shall be liable to a penalty not exceeding one thousand pounds, or in the case of an individual to imprisonment for any term not exceeding six months, with or without hard labour.

36. The board 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 board), industrial dispute, the act of God, or unavoidable accident, or any other circumstance (other than the want of funds) beyond the control of the board.

Board and
members not
liable if unable
to perform
contracts
through
strikes, &c.
1059, 1911,
s. 14.

37. The board may promote any bill before Parliament which it considers necessary or desirable for the benefit of the metropolitan abattoirs area, and may pay the costs and expenses incurred in so doing either out of its revenue or borrowed money or both, and out of such revenue or borrowed money or both

Power of
board to
promote bill.
957, 1908,
s. 25.

may reimburse any constituent council all moneys expended by such council incidental to the passing of such bills and preliminary thereto.

Execution of
deeds and
instruments.
957, 1908,
s. 26.

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

Minute-book.
957, 1908,
s. 27.

39. The board 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 board.

Custody of
books and
documents
957, 1908,
s. 29.

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

Appointment
of auditors.
957, 1908,
s. 29.

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

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

(3) Subject to the right of the board to dismiss its employees at pleasure an auditor shall hold office for one year, and may be reappointed, but shall not hold office for more than two consecutive years.

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

Report on
efficiency.
2140, 1933,
s. 28.

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 board. The first investigation shall be made in the last three months of the year nineteen hundred and thirty-four.

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

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

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 board, which books shall at all times be open to the inspection of the chairman, any member of the board, or the auditors.

Accounts of
board.
957, 1908,
s. 30, and 31.

(2) The accounts of the board 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 November in each year, and shall, within thirty days next after that day, be prepared by the secretary and delivered to the auditors for examination.

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

Auditor's
duties.
957, 1908, s. 32.

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 November in each year, shall, on or before the first day of March next ensuing, be laid before Parliament, if then in session ; otherwise, as soon thereafter as Parliament may be sitting.

Balance-sheet
to be laid
before the
Parliament
and printed for
distribution.
957, 1908,
s. 33.

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

46. The board shall be deemed to have been only established on the twelfth day of April, nineteen hundred and thirty-four.

Date of
establishment
of board.
2140, 1933,
s. 17.

47. (1) As from the twelfth day of April, nineteen hundred and thirty-four—

Transfer to
board of
certain right
and powers.
2140, 1933,
s. 18.

(a) there shall be transferred to and vested in the board all property, funds, rights, powers, liabilities, duties, and obligations formerly appertaining to the Metropolitan Abattoirs Board established under the Metropolitan Abattoirs Act, 1908 ; and

(b) the Metropolitan Abattoirs Board established under the Metropolitan Abattoirs Act, 1908, shall cease to exist.

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

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

Transfer of
property of
Government
Produce
Department.
2140, 1933,
s. 19.
Proclamation
in *Gazette* 12th
April, 1934
p. 1015.

48. (1) There shall be vested in the board, as from the twelfth day of April, nineteen hundred and thirty-four, blocks 63 and 64 of the Hundred of Port Adelaide, and all buildings, plant, implements, and machinery on that land for an estate in fee simple.

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

(3) In consideration of the transfer of the said land and other property the board shall pay to the Treasurer of the State the sum of fifty thousand pounds, 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 fifty thousand pounds.

Duty of
board as to fees
and charges.
2140, 1933,
s. 20.

49. The board 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.

50. (1) The board shall have the sole right within the metropolitan abattoirs area to slaughter stock for export as fresh meat in a chilled or frozen condition.

Sole right of board to slaughter for export.
2140, 1933
s. 25.

(2) Nothing in this Act shall operate so as to allow any person other than the board to slaughter stock within the metropolitan abattoirs area for export as fresh meat in a chilled or frozen condition, or any place within the said area other than premises of the board to be used for that purpose.

(3) The board shall not slaughter any stock for export except for and on account of and in the manner directed by the manager of the Government Produce Department.

(4) The manager of the Government Produce Department shall not procure the slaughter of any stock for export except upon condition that he is appointed by the owner of the stock as agent to arrange for the slaughter, freezing, and shipment thereof, and, where required, to market the meat and by-products, and that he is to be paid an inclusive fee for all these services.

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

Power of board to deal in stock.
2140, 1933,
s. 26.

52. The board 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 board, and may refuse to receive into any market any stock in excess of the maximum number so fixed for the particular kind of stock.

Maximum number of stock to be sold in one day.
2140, 1933,
s. 27.

PART III.

PART III.

FINANCE.

53. (1) In addition to and without limiting any of its other powers under this Act the board may from time to time borrow and take up at interest :—

Borrowing powers of board.
957, 1908,
s. 34.
1009, 1910,
s. 8.
1059, 1911,
s. 4.
1092, 1912,
s. 3.
1171, 1914,
s. 3.
2140, 1933,
ss. 21, 32.

(a) any sum or sums of money not exceeding in the whole the sum of two hundred and fifty thousand pounds for all or any of the following purposes, namely :—the purchase of land

and the erection of abattoirs and markets for stock, and all other works which the board may consider necessary or advisable in connection therewith, including cool chambers and machinery and the construction of railway sidings :

- (b) any further sum or sums of money not exceeding in the aggregate fifty-five thousand pounds for all or any of the following purposes, namely :— the installation of plant and the erection of buildings for the purpose of and in connection with the delivery of meat, the erection of cottages for employees of the board, the purchase of additional land and the erection of hide and skin markets :
- (c) any further sum or sums of money not exceeding in the aggregate forty-eight thousand pounds for all or any of the purposes authorised by this Act or for any purpose incidental to such purposes :
- (d) any sum of money not exceeding the amount for the time being of the board's sinking fund, for the purpose of extending or altering any works under its control.

(2) The loan of the sum of thirty-five thousand pounds made by the Treasurer to the board in addition to the sums mentioned in subsection (1) of this section is ratified and confirmed.

Authority of
Treasurer to
make loans.
1009, 1910,
s. 9.
1092, 1912,
ss. 3, 4.
1171, 1914,
ss. 3, 4.

54. (1) The Treasurer is hereby authorised upon application by the board to lend to the board the whole or any part of the sum of three hundred and fifty-three thousand pounds which the board, by virtue of the last preceding section, is empowered to borrow, at such rate of interest, for such time not exceeding forty-two years, and upon such conditions as are agreed upon between the Treasurer and the board.

(2) The board in exchange for money so lent shall issue debentures in favour of the Treasurer or as he shall direct, which debentures shall be in the form agreed upon between the Treasurer and the board, and coupons in a form so agreed upon may be annexed to such debentures.

(3) The title to every debenture and to every coupon annexed thereto, whether separated or not from the debenture to which it belongs, shall pass by delivery only without any assignment or endorsement.

(4) Except so far as inconsistent with anything in any debenture issued to the Treasurer under this section all the provisions of this Act as to debentures shall apply to the debentures so issued.

55. For the purpose of raising any sum lent or to be lent by the Treasurer to the board under this Act, or the Acts repealed by this Act, the Treasurer is hereby authorised to issue Government Inscribed Stock having a currency not exceeding forty-two years, bearing interest at a rate not exceeding four and a half per cent. per annum and for such price as the Treasurer thinks fit.

Provision for
raising money
to be lent to
board.
1092, 1912,
s. 5,
1171, 1914,
s. 4.

56. (1) All moneys borrowed, except moneys borrowed from the Treasurer, shall be raised by the sale of debentures, which shall be in the form contained in the second schedule hereto, or a form to the like effect.

Debentures.
957, 1908,
s. 35.

(2) Every such debenture shall be for such period and amount, and issued at such time or times, and on such terms and conditions, and at such rate of interest, as the board from time to time determines.

(3) Coupons in the form in the said second schedule may be annexed to such debentures.

(4) The title to every such debenture and every such coupon (whether separated or not from the debenture to which it belongs) shall pass by delivery only without any assignment or indorsement.

57. A certificate under the hands of the chairman, one other member of the board, and the secretary of the board, indorsed on any debenture issued under the authority of this Act, and stating that the principal sum thereby secured is part of the amount which the board, at the date of such certificate, may legally borrow, shall be conclusive evidence of the authority of the board to borrow the money secured by and to issue such debenture.

Evidence as to
debentures.
Ibid.. 36.

58. The money secured by every debenture issued under the authority of this Act or any Act repealed by this Act or incorporated and the interest payable thereon shall be a charge on all property and revenue of the board.

Provision as
to debentures.
957, 1908,
s. 37.
2140, 1933,
s. 33.

59. If default is made by the board in the payment of any money due under any debenture, the holder of the debenture may apply to the Supreme Court on summons returnable in the chambers of a Judge for the appointment of a receiver, who

Default in
payment
under
debentures.
957, 1908,
s. 38.
2140, 1933,
s. 34.

when appointed shall have the same power of collecting and obtaining payment of all revenues recoverable by the board as the board would have if the receiver had not been appointed.

How revenue
to be applied,
957, 1908,
s. 40.
1009, 1910,
ss. 10, 11.
2140, 1933
s. 36.

60. (1) All revenue derived by the board from the abattoirs and markets for stock, and from other sources, shall, so far as practicable, be expended and disposed of by the board yearly in each financial year as follows :—

- (a) Firstly, in payment of actual expenses :
- (b) Secondly, in payment of interest on borrowed moneys :
- (c) Thirdly, in payment of any amounts the board considers necessary for upkeep, maintenance, and repairs of the abattoirs, markets, and other works under the control of the board :
- (d) Fourthly, in establishing a sinking fund which shall be sufficient to repay all moneys borrowed by the board within forty-two years of the respective dates of the respective borrowings :
- (e) Fifthly, in creating reserve funds for such purposes as the board thinks proper.

(2) The board may expend the reserve fund, or any part thereof, in any manner it deems advisable.

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

(4) Notwithstanding any other provision of this Act, it shall not be necessary to provide or to invest any separate sinking fund in respect of debentures issued by the board which are payable upon the terminable annuity principle, if the money which would otherwise constitute such fund is paid to the debenture holders on account or in satisfaction (as the case may be), of both principal and interest moneys in terms of such debentures.

Sale through
agents.
957, 1908,
s. 44.

61. The board may appoint agents to negotiate or contract for the sale of any debentures authorised by this Act, and may directly, or through such agents, sell or negotiate for the sale of any such debentures, and may allow such agents such commission as the board thinks reasonable.

62. (1) Notwithstanding any provision of this Act or anything contained in any debenture, any debentures may be redeemed by the board, at their face value (or less) with any unpaid interest added, at the expiration of not less than five years from the date of the issue thereof, or at recurring periods of five years thereafter.

Redemption of
debentures.
957, 1908,
ss. 46, 46.

(2) The debentures to be so redeemed shall be decided by lot, to be made in such manner as the board determines, and public notice of their numbers and values and the place appointed for the payment thereof shall be forthwith given by the board.

63. The debentures mentioned in such notice shall be redeemed on presentation at such place in Adelaide as the board may appoint, and from the day fixed by the notice, not being earlier than six months after the date of the giving of the said notice, the debentures therein mentioned shall cease to bear interest.

Debentures
drawn cease
to carry
interest after
certain date.
957, 1908,
s. 47.

64. All debentures, when redeemed by the board, shall be forthwith cancelled by the board, and shall not be sold or re-issued.

Cancellation of
redeemed
debentures.
957, 1908,
s. 48.

65. No constituent council shall be liable for any of the debts or liabilities of the board nor entitled to share in any of its profits or in any of the funds or property vested in the board.

Abolition of
liability of
constituent
councils.
2140, 1933,
s. 22.

66. (1) The board shall invest the sinking fund and the reserve fund, and any other money in its hands which it deems it advisable or expedient to invest, in any Government securities of all or any one or more of the States of the Commonwealth, in the purchase of any debentures issued under the provisions of this Act, and upon fixed deposits in any incorporated bank in the State of South Australia, or in or upon any one or more of such investments.

Sinking fund.
957, 1908,
s. 49.

(2) The interest arising from such investments shall respectively be credited to and form part of the respective funds so invested as aforesaid: Provided, however, that any debentures purchased by the board shall be forthwith cancelled, and shall not be sold or re-issued.

67. (1) The board may pay any of its moneys into any bank in Adelaide 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 overdrafts, either without security, or by pledge of its property, or on other security.

Banking
account.
957, 1908,
s. 50.
2140, 1933,
s. 38.

(2) No funds shall be withdrawn from any bank except by cheque, signed by the chairman, or two other members of the board, and countersigned by the secretary.

PART IV.

PART IV.
ABATTOIRS.

Erection of
abattoirs.
957, 1908,
s. 51 (1) (part).

68. The board 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 board, for the time being, considers necessary, and from time to time, alter, remove, and extend the same :

Letting of land
for hide and
skin market.
957, 1908,
s. 51 (2).

69. The board 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 board 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.

Restriction on
slaughter and
sale of stock
in metropolitan
abattoirs area.
957, 1908,
s. 54 (1).
Cf. U.K.
10 & 11
Vict. c. 14,
s. 19;
10 & 11
Vict. c. 34,
s. 126.

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

- (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

board 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

- (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, ten pounds: For a second offence, twenty-five pounds; and for each succeeding offence, fifty pounds.

71. (1) While abattoirs are available under this Act for slaughtering stock no person shall within the metropolitan abattoirs area sell or attempt to sell or expose for sale or allow or cause to be sold or exposed for sale the flesh of any calf less than twenty-one days old or of less weight than forty pounds.

Restriction on sale of flesh of calves.
957, 1908, s. 54 (2) and (3).

Penalty—For a first offence, ten pounds: For a second offence, twenty-five pounds, and for each succeeding offence, fifty pounds.

(2) In any prosecution under this section it shall lie on the defendant to prove that the calf was twenty-one days old or more.

(3) If any person sells or attempts to sell or exposes for sale or allows or causes to be sold or exposes for sale the whole or any part of the carcass of any calf in contravention of this section that carcass or part thereof may be seized and dealt with as diseased stock under section 84.

72. No person shall be liable to any punishment for any offence against either of the last two sections 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.

Exemption from previous sections.
957, 1908, s. 54 (4).

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.

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

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

Time when abattoirs available.
957, 1908, s. 54 (6).

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, and 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 :

(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 board specifying the goods and stating from whom and when they were received by him and where they may be inspected :

(c) any small goods 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 were 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 :

(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 board under this Act may with the consent of the board be so appointed.

(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 board produce them for inspection.

Penalty—For a first offence, ten pounds: For a second offence, twenty-five pounds: For any subsequent offence, fifty pounds.

77. (1) Notwithstanding any other provision of this Act any person may expose for sale and sell within the metropolitan abattoirs area buttocks, topsides, or silversides of beef, boneless beef to be manufactured into small goods, or fresh pork to be cured as bacon which have been derived from stock slaughtered outside the said area and have been brought into the said area pursuant to a permit issued by the board under this section.

Exemption
from principal
Act of certain
beef and pork
subject to
certain
conditions.
1985, 1930,
s. 4.

(2) On the application of any person desirous of bringing into the said area any such beef or pork the board may issue a permit in writing for the introduction of such amount of such beef or pork as is specified in the permit, and may in the permit specify any reasonable conditions subject to which the said beef or pork may be brought into the said area.

(3) Any applicant for a permit under subsection (2) may appeal to the Minister against the refusal of the board to grant a permit or against any term or condition of a permit issued by the board. The appeal shall be made within fourteen days of the refusal or the issue of the permit, as the case may be, and before giving his decision the Minister shall give the applicant and the board an opportunity of being heard. The Minister shall determine the appeal and may, if he thinks fit, issue any permit which he thinks ought to have been issued by the board in the first instance. A permit so issued shall be of the same force and effect as if issued by the board.

(4) All such beef or pork permitted to be brought into the said area under this section shall forthwith after its introduction into the said area be brought to the Port Adelaide or Light Square Freezing Works, or to any freezing works or private refrigerator rooms, within the area, approved of by the board, where it shall be inspected and branded and a reasonable fee fixed by regulations paid for the inspection and branding.

(5) All such beef or pork which is brought into the said area from outside the State by way of Port Adelaide or the Outer Harbour or by rail shall be accompanied by such certificate of a veterinary surgeon as may be prescribed by regulations and shall forthwith after its introduction into the said area be brought to the Port Adelaide or Light Square Freezing Works, or to any freezing works or private refrigerator rooms, within the area, approved of by the board, where it shall be inspected and branded and a reasonable fee fixed by regulations paid for the inspection and branding.

(6) In any proceedings for any offence against this Act, it shall not be necessary for the prosecution to prove that any beef or pork which is the subject matter of the prosecution was not beef or pork to which this section applies; but in all such proceedings in respect of any beef or pork, the said beef or pork shall be deemed to be beef or pork to which the provisions of this section do not apply, unless the defendant satisfies the court to the contrary.

Power of board
as to carcasses
from Port
Lincoln
2140, 1933
s. 24.

78. Notwithstanding any other provision of this Act the board 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: 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 board, and certified by him to be free of disease. The board shall not unreasonably refuse any request for permission as aforesaid.

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.

(2) This section shall not apply to any slaughter-house 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.

Licensing of
slaughtermen.
957, 1908,
ss. 57 and 58.

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 board and for the time being in force.

Penalty: Ten pounds.

(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 two pounds two shillings, and for an attendant's or assistant's licence ten shillings.

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

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

(6) Any licence issued under this section may be cancelled by the board 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.

(7) The secretary of the board 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 board.

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 ten pounds.

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

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

Exclusive
right of board
to slaughter
stock.
1059, 1911,
s. 10.

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—Fifty pounds.

(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—Fifty pounds.

(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 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.

(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 board.

(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.

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

Prohibition
against
slaughtering,
etc.
957, 1908,
s. 62.

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 killed at the Zoological Gardens for consumption by animals thereat.

Duty of
owners, &c.,
of stock dying.
957, 1908,
s. 63.

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—

- (a) apply to an inspector 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
- (b) convey the carcass of such stock to the abattoirs to be disposed of as an inspector shall direct :

Provided that this section shall not apply to poultry or to stock killed at the Zoological Gardens for consumption by animals thereat.

87. (1) The board 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 board deems expedient.

Carcasses
slaughtered to
be branded
957, 1908,
s. 64,
1171, 1914,
s. 7.

(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 fifty pounds.

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.

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 one hundred pounds, or to be imprisoned for any term not exceeding twelve months.

s. 87. SIMONS v. HARRISON (1919) S.A.L.R. 274. S. 87 (2) applies to carcasses of stock killed within the metropolitan abattoirs area but not at the metropolitan abattoirs.

SIMONS v. CAMPBELL (1924) S.A.S.R. 1; 12 Austn. Digest 384. To carry for delivery on sale, within the meaning of s. 87 (2) means to carry for delivery within the metropolitan abattoirs area on sale, irrespective of the place where the sale was made.

PYWELL v. GIBSON (1926) S.A.S.R. 84; 8 Austn. Digest 468. S. 87 (3) does not require the defendant to prove his innocence beyond reasonable doubt; but it is sufficient if he puts before the court an excuse or justification which appears probably true.

Buildings may
be entered
where stock or
carcass is
supposed to be.
957, 1908,
s. 66.
Cf. U.K.
10 & 11
Vict. c. 34,
s. 131.

89. (1) Any officer of the board, 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 ten pounds.

Seizure of
unbranded
carcasses.
957, 1908,
s. 67.

90. (1) Any officer of the board, 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.

(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 board: 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 board may direct.

(5) If any person without the authority of the board 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.

(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 board, member of the police force, or special or district constable shall be liable on conviction to a penalty of five pounds.

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

(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 five pounds.

91. (1) The board shall have the exclusive right to 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.

Board to have exclusive rights to deliver meat from abattoirs.
957, 1908,
s. 68,
1059, 1911,
s. 11.

(2) The board 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 board for charges for slaughtering or delivery for the time being owing by him to the board.

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

Blood, &c., to be rendered merchantable.
957, 1908,
s. 69.

93. (1) The board 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

Meat slaughtered without the abattoirs area to be inspected at abattoirs.
957, 1908,
s. 70.

such reasonable fees as are from time to time fixed by the board.

(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.

Establishment
of markets.
957, 1908
s. 71.

94. The board 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 board considers necessary :

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

Restriction on
sale of stock.
1059, 1911
s. 15.
1171, 1914
s. 9.
2140, 1933,
s. 43.

95. No person shall, without the consent of the board, 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 board : 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 :

(b) the board 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.

96. After the fourteenth of July, nineteen hundred and thirteen—

Control of
stock markets.
957, 1908,
s. 73.
1171, 1914,
s. 8.

- (a) the control of the markets for stock by the Corporation of the City of Adelaide shall cease, and all proclamations in the *Gazette* respecting the same shall be of no further force or virtue :
- (b) the markets established by the board in pursuance of this Act shall be public markets for the sale of stock, and shall be under the control of the board :
- (c) no other markets for the sale of stock shall be established, erected, or proclaimed within the metropolitan abattoirs area, any provision to the contrary in any Act of Parliament notwithstanding.

PART VI.

PART VI.

POWER TO TAKE LAND, ETC.

97. For the purposes of this Act the board 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.

Power to take
land
compulsorily.
957, 1908,
s. 75.

98. The Compulsory Acquisition of Land Act, 1925, with the exception of subsection (1) of section 49 and sections 79, 80, 81, and 82, are incorporated with this Act, and shall take effect with regard to all works and undertakings which the board is by this Act authorised to construct, and the board taking lands for such purposes shall be regarded as the promoters of an undertaking and this Act as the special Act within the meaning of the said Acts.

Incorporation
of compulsory
acquisition of
Land Act,
1925.
957, 1908,
s. 77.

99. In estimating the purchase-money or compensation to be paid by the board 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.

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

Power to take
temporary
possession of
land.

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

- (a) taking earth by side-cuttings therefrom ;
- (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 two hundred yards 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 five hundred yards distant from the dwelling house of the owner of such land.

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

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

- (a) deposit, and also manufacture and work upon such lands, materials of every kind used in constructing the works ;
- (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 board from any action for nuisance or other injury (if any) done in the

exercise of the powers hereinbefore given to the lands or habitations of any person other than the person whose lands are so taken or used for any of the purposes aforesaid.

(3) No stone or slate quarry, brickfield, or other like place which, on the twenty-third day of December, eighteen hundred and ninety, 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 board, either wholly or in part, for any of the purposes in this and the next preceding section mentioned.

102. (1) If any lands are used for any of the purposes aforesaid the board 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.

Board to
separate lands
if required.

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

103. (1) In any of the cases aforesaid where the board takes temporary possession of lands by virtue of the powers conferred by this Part, the board 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 board so taking possession of his lands.

Compensation
to be made for
temporary
occupation.

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

(3) The board shall also, within six months after the board have 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.

PART VI.

Compensation,
how to be
ascertained.

104. The amount and application of the compensation payable by the board, in any of the cases aforesaid, shall be determined in the manner provided by the Compulsory Acquisition of Land Act, 1925, for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Board may
make surveys.

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

Power to
lease and sell
surplus land
and property.

106. (1) The board 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 board thinks fit ;

(b) sell, exchange, or otherwise dispose of any such land which the board does not require for such works ; and

(c) transfer or convey such land.

(2) The board'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.

EXTENSION 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 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 board and the constituent councils for the time being under this Act, and the council desiring to become a constituent council.

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 slaughter-houses 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
slaughter-
houses 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 slaughter-house or abattoirs established or to be established within the limits of its municipality or district or such portion thereof as aforesaid, if the slaughter-house 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.

110. (1) The Governor may, at the request of the board, extend by proclamation the metropolitan abattoirs area so as to include the whole or any parts of the municipality of Glenelg and the municipality of Brighton, with or without the whole or any part of any district or municipality contiguous to either of the said municipalities.

Extension of
metropolitan
abattoirs area
to Glenelg and
Brighton.
2140, 1933,
s. 23.

(2) Those provisions of this Part which require a request to be made by any council, shall not apply to any extension under this section.

(3) No compensation shall be payable to any person as a result of the said extension or of any consequence thereof.

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, 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.

PART VIII.
REGULATIONS.

PART VIII.

112. The board 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 board may also make regulations for all or any of the following purposes :—

Regulations.
957, 1908,
s. 81.
Cf. U.K.
10 & 11
Vict. c. 34,
s. 128.

- (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 board, 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 :
- (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

s. 112. In *re* THE METROPOLITAN ABATTOIRS ACTS, 1908-1930; *Ex parte* GEORGE CHAPMAN LIMITED (1932) S.A.S.R. 184; 3 Austn. Digest 265. Held, that a regulation prohibiting any person, except under permit issued by the board, from bringing into the metropolitan abattoirs area meat derived from stock slaughtered outside the area, for the purpose of manufacture into small-goods or curing as bacon, is *ultra vires*.

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 uncleanness, 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 carcases 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 board may consider necessary :
- (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 board and its committees.

113. (1) Any regulation may impose any penalty not exceeding twenty pounds for the breach or non-observance of the same or of any regulation or, in the case of a continuing breach, not exceeding two pounds 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 board to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

Regulations
unchangeable
unless quashed.
957, 1908,
s. 85.
S.L.R. Act,
1934, s. 4.

(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 :

(3) prevents, obstructs, or hinders any employee, inspector, or other officer of the board, 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 twenty-five pounds.

(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, 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.

118. If default be made by any person in the payment of any fees, dues, tolls, or charges, the board, or any person authorised by the board, 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.

119. The abattoirs shall, subject to this Act, be under the provisions of the Health Act, 1935.

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

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

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

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

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

Legal
proceedings, in
whose name,
957, 1908
s. 92.

122. All proceedings shall be instituted by the authority of the board 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.

123. (1) It shall not be necessary in any legal proceedings to prove the existence or constitution of the board or the appointment of the secretary, or of any inspector or officer of the board, or any member of the police force, or any special or district constable.

Proof.
957, 1908,
s. 94.

(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 board 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.

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

Service of
notices, &c.
upon the
board
957, 1908,
s. 95.

s. 119. The expression "the Health Act, 1935," has been substituted for "The Health Act, 1898," pursuant to the Acts Republication Act, 1934.

Service of
notices.
957, 1908,
s. 97

126. (1) Every notice by this Act required to be given by or to the board shall be in writing, and signed by some duly authorised person ; and such notice shall be deemed to have been duly given if left at the office or principal office of the board, 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 board, authority, or person, at its or his office or principal office, or at the last known place of abode in South Australia of such person.

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

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

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

Authentication
of certain
documents.
957, 1908,
s. 99.

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

THE SECOND SCHEDULE.

FORM OF DEBENTURE.

SOUTH AUSTRALIA.

"Metropolitan and Export Abattoirs Act, 1936."

The Metropolitan and Export Abattoirs Board in consideration of the sum of pounds paid to the board hereby binds itself to pay to the bearer for the time being of this debenture the sum of pounds, and to the bearer or bearers for the time being of the coupons annexed hereto interest upon the said sum at the rate of per centum per annum, such interest to be payable on the day of and the day of in every year, and the principal to be paid on the day of in the year or on such sooner day as shall be specified in notice given in pursuance of the above-mentioned Act for the redemption of this debenture.

All the real and personal property and revenue of the board shall be a security to the bearer for the time being of this debenture until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons annexed hereto until the interest upon the said principal as represented by such coupons by him or them held shall be satisfied.

This debenture is issued subject to the provisions of the last-mentioned Act, and in particular to the sections contained in Part III. of the Act.

Given under the seal of the board this day of

The seal of the Metropolitan and Export
Abattoirs Board was hereto fixed on
the date hereof in the presence of }

(L.S.) Chairman.

Countersigned.

Secretary.

NOTE.—Interest and principal payable at the office of the board in Adelaide, or at such bank or other place as may be appointed by notice to be given in *The South Australian Government Gazette*.

The Metropolitan and Export Abattoirs Board.

Coupon for £ _____ for half-year's interest due
the _____ day of _____ on
debenture No. _____, payable to bearer at _____

(Seal.)
Chairman.

Countersigned.

Secretary.

Regulations.

On the 24th May, 1937, the following regulations made under the Metropolitan and Export Abattoirs Acts, 1908-1933, were in force under this Act:—

GENERAL REGULATIONS AND AMENDMENTS THEREOF—

Gazette—16th January, 1913, p. 107.
12th June, 1919, p. 1037.
12th June, 1919, p. 1038.
13th November, 1924, p. 1329.
27th November, 1924, p. 1407.
4th October, 1934, p. 686.
1st April, 1937, p. 723.
8th April, 1937, p. 754.
1st July, 1937, p. 15.

REGULATIONS AS TO THE MILCH COW MARKET—

Gazette—29th May, 1913, p. 1204.
2nd February, 1922, p. 509.

REGULATIONS AS TO BRANDING OF STOCK—

Gazette—29th May, 1913, p. 1205.

REGULATIONS AS TO INSPECTION OF SMALL GOODS—

Gazette—4th April, 1918, p. 662.

REGULATIONS AS TO INSPECTION OF MEAT IN SHOPS—

Gazette—2nd February, 1922, p. 508.

REGULATIONS AS TO MUZZLING OF DOGS AND USE OF STICKS
IN HANDLING STOCK—

Gazette—4th October, 1934, p. 686.

METROPOLITAN COUNTY BOARD

see Food and Drugs : Health.