

Act No. 37, 1902.

SYDNEY ABATTOIR
AND NUISANCES
PREVENTION.

An Act to consolidate the Acts relating to the establishment of a Public Abattoir, or place for the Slaughtering of Cattle for the city of Sydney, and to the licensing of Slaughter-houses within the city and suburbs of Sydney, and for the prevention of other nuisances within the same. [20th August, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Sydney Abattoir and Nuisances Prevention Act, 1902," and is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—SYDNEY ABATTOIR—ss. 3-13.

PART III.—SYDNEY NUISANCES PREVENTION—ss. 14-21.

Repeal and saving.

2. (1) The Acts mentioned in the First Schedule hereto are to the extent therein expressed hereby repealed.

(2) (i) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder.

(ii) All orders and regulations made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

PART II.

SYDNEY ABATTOIR.

Interpretation. 3. In this Part, unless the context or subject-matter otherwise 14 Vic. No. 36, s. 20. indicates or requires,—

"abattoir" means the abattoir established under the authority of the Act fourteen Victoria number thirty-six.

"cattle"

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“cattle” includes sheep, lambs, oxen, bulls, cows, calves, horned cattle, pigs, and goats.

“Board” means the Board of Health as constituted and incorporated by the “Public Health Act, 1902.”

4. Nothing in this Part contained shall apply

(a) to the slaughter of pigs, calves, or sheep in any place licensed under the provisions of the Sydney Corporation Act, 1902; nor ^{Exemption from provisions of this Part.} 14 Vic. No. 36, s. 1, and cf. 43 Vic. No. 3, s. 138.

(b) to any house or premises which were on the first day of October, one thousand eight hundred and fifty, and have since then been continuously used, and are now used, for slaughtering cattle for the purpose of converting the carcasses thereof into preserved meats.

5. No person shall slaughter or skin, scald or dress, or cause to be slaughtered or skinned, scalded or dressed, any cattle in any house or place within the city of Sydney, or within the distance of three miles therefrom, except only in the abattoir.

6. Whosoever slaughters or skins, scalds or dresses, or causes to be slaughtered or skinned, scalded or dressed, any cattle in any place within the said city, or within a distance of three miles thereof, except only in the abattoir, shall be liable to a penalty not exceeding five pounds for each head of cattle so slaughtered, skinned, scalded, or dressed.

7. (1) The Board may make orders and regulations—

(a) for regulating the abattoir in respect to cleanliness and otherwise; ^{The Board may make regulations.} *Ibid.* s. 3.

(b) for the good government of all persons using or frequenting the abattoir; ^{57 Vic. No. 21, ss. 10, 16.}

(c) for fixing the rates of slaughtering fees to be paid for the use of the abattoir and appurtenances by persons slaughtering cattle or causing cattle to be slaughtered therein:

Provided that such fees shall not exceed the fees ^{Second Schedule.} specified in the Second Schedule hereto.

(d) for collecting, receiving, and accounting for the said fees; and

(e) for the purpose of giving effect to the provisions of this Part.

(2) The Board may by any such order or regulation impose a penalty not exceeding five pounds for any breach thereof.

(3) Every such order or regulation shall have the same force and effect as if it had been inserted in this Part; and any penalties imposed by such orders or regulations shall be deemed to have been imposed by this Part.

8. All such orders and regulations shall, within fourteen days after the issuing thereof, be twice published in the Gazette, and a copy of every such order or regulation shall be laid before both Houses of Parliament within six weeks after issuing the same if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session.

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Appointment of officers and servants.
14 Vic. No. 36, s. 5.
57 Vic. No. 21, ss. 10, 16.

Governor may farm abattoir.
14 Vic. No. 36, s. 6.
57 Vic. No. 21, ss. 10, 16.

Salaries, &c., to be defrayed out of fees, &c., received under provisions of this Act.
14 Vic. No. 36, s. 7.

Time within which complaint to be made.
Ibid. s. 14.

Act not to affect present law as to nuisances.
Ibid. s. 19.

Live swine not to be kept within the city of Sydney.
13 Vic. No. 42, s. 2.

Cattle not to be driven in or through the city, except at certain hours.
Ibid. s. 4.

9. The Board may appoint, employ, and continue in office such clerks, inspectors, and other officers and servants as may be necessary or proper for the purpose of carrying into effect the provisions of this Part, and of the said orders and regulations, and may assign and allow salaries, wages, or remuneration to such officers or servants.

10. The Board may farm or let the abattoir or any portion thereof either by public auction or otherwise, and the lessees of the abattoir or of any portion thereof may take and demand all lawful fees from the persons using the same, subject, nevertheless, to all such orders and regulations as aforesaid.

11. All fees or sums of money (other than penalties) received under the provisions of this Part shall go to form a fund, out of which shall be defrayed the salaries of the several officers hereinbefore mentioned and all other expenses consequent upon carrying this Part into force, and the surplus shall be paid to His Majesty for the public uses of the State of New South Wales, and in support of the Government thereof.

12. No person shall be liable to the payment of any penalty imposed by virtue of this Part, or of any such order or regulation as aforesaid for any offence, unless the complaint respecting such offence shall have been made within two months next after the commission of such offence.

13. Nothing in this Part contained shall be construed to render lawful any act, matter, or thing whatsoever which, but for this Part would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

PART III.**SYDNEY NUISANCES PREVENTION.**

14. Whosoever breeds, feeds, has, or keeps any kind of living swine in any place within the city of Sydney shall for every such offence be liable to a penalty not exceeding ten pounds:

Provided always that nothing herein contained shall apply to any swine landed from any vessel for the purpose only of being driven through the said city.

15. Whosoever drives any cattle intended for sale, slaughter, or shipment within the said city or through or along any public street or place within the same, excepting between the hours of twelve at night and six in the morning, shall be liable to a penalty not exceeding twenty pounds.

16.

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16. Any constable may detain any cattle driven within the said city in contravention of the provisions of this Part, and may impound the same in the nearest public pound, and also may seize and detain the driver of any such cattle and convey him before a justice of the peace to be dealt with according to law.

Cattle may be impounded, and driver taken before a justice of the peace.
13 Vic. No. 42, s. 5.

17. Whosoever carries on in any building or place within the said city the business of a blood-boiler, bone-boiler, soap-boiler, tripe-boiler, tallow-melter, tanner, currier, fellmonger, slaughterer of horses, or boiler or steamer of animals or parts of animals for extracting the tallow or fat therefrom, shall for every such offence be liable to a penalty not exceeding fifty pounds and a further penalty of forty shillings for each day during which the offence is continued.

What businesses prohibited after the passing of this Act.
Ibid. ss. 6, 7.

18. (1) If, upon the certificates of any two legally qualified medical practitioners, verified on oath, it appears to any two justices of the peace, that any shop, building, stall, or place kept or used for the sale of butchers' meat, or as a slaughter-house, or the premises occupied with the same or appurtenant thereto within the said city, are in such a filthy or unwholesome condition that the health of any person is likely to be affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any such place, premises, or appurtenances would tend to prevent or check infectious or contagious disease, the said two justices shall give notice in writing to the owner or occupier of such place or premises to whitewash, cleanse, or purify the same, as the case may require.

Justices may give notice to cleanse buildings used for the sale of butchers' meat.
Ibid. s. 8.

(2) If the person to whom such notice is so given fails to comply therewith within such time as is specified in the said notice, he shall be liable to a penalty not exceeding ten pounds for every day during which he continues to make default.

(3) Every such notice may be served by affixing a copy thereof on a conspicuous part of the house, place, or premises directed to be whitewashed, cleansed, or purified as aforesaid.

19. The said justices may cause such places, premises, or appurtenances as aforesaid, or any part thereof to be whitewashed, cleansed, or purified, and the expense incurred by them in so doing shall be repaid by the owner or occupier thereof, and in default of repayment shall be recoverable in the same manner as penalties are recoverable under this Part.

Or justices may cause such places, &c., to be cleansed at expense of owner or occupier.
Ibid. s. 9.

20. (1) The inspector of nuisances for the said city or any inspector of the police force of the said city may, at all reasonable times, with or without assistants, enter into and inspect any shop, building, stall, or place kept or used for the sale of butchers' meat, or as a slaughter-house, and examine any animal, carcass, meat, or flesh which may be therein, and if any animal, carcass, meat, or flesh appears to him to be intended for the food of mankind and to be unfit for such food the same may be seized.

Powers to inspect or of nuisances, &c.
Ibid. s. 10.

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Destruction of animal, &c.

(2) If it appears to a justice of the peace upon the evidence of a competent person that any such animal, carcass, meat, or flesh is unfit for the food of mankind, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food.

Penalty.

(3) The person to whom such animal, carcass, meat, or flesh belongs or in whose custody the same is found shall be liable to a penalty not exceeding ten pounds for every animal or carcass, piece of meat or flesh so found.

Act not to affect present law as to nuisances.

13 Vic. No. 42, s. 12. Nothing in this Part shall be construed to render lawful any act, matter, or thing whatsoever which but for this Part would be deemed to be a nuisance, nor to exempt any person from any action, liability, prosecution, or punishment to which such person would otherwise have been subject in respect thereof.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal
13 Vic. No. 42	An Act to amend the law relating to the Licensing of Slaughter Houses within the city and suburbs of Sydney and for the prevention of other nuisances within the same.	The whole Act.
14 Vic. No. 36	An Act for the establishment of a Public Abattoir or place for the Slaughtering of Cattle for the city of Sydney.	The whole Act.
57 Vic. No. 21	Noxious Trades and Cattle-slaughtering Act, 1894...	The proviso to section 10, and section 16.

Section 7.

SECOND SCHEDULE.

		s. d.
For every ox, cow, bull, heifer, steer, or calf	1 6
For every sheep or lamb	0 4
For every head of swine	1 0

Act