

SYDNEY CORPORATION (FISH MARKETS) ACT.

Act No. 39, 1922.

An Act to empower the Municipal Council of Sydney to acquire the assets of the Commonwealth Co-operative Fish Exchange, Limited, and to dispose of same ; to authorise the said council to establish fish markets throughout a certain defined area within the county of Cumberland, and to regulate same ; to regulate the sale of fish by wholesale or by auction in the said county ; to amend the Local Government Act, 1919, and certain other Acts ; and for purposes connected therewith. [Assented to, 29th November, 1922.]

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 :—

1. (1) This Act may be cited as the "Sydney Corporation (Fish Markets) Act, 1922," and shall be read with the Sydney Corporation Act, 1902, as amended by subsequent Acts.

(2) The Sydney Corporation Act, 1902, as so amended is herein referred to as the Principal Act.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Council" means the Municipal Council of Sydney.

"Fish" means and includes all or any of the varieties of marine or fresh-water fishes and crustacea or marine animal life, but does not include canned, salted, or preserved fish.

"Sell"

George V,
No. 39.

“Sell” includes offering for sale.

“The Fisheries Acts” means the Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910, or any subsequent Act.

Power to pur-
chase assets of
Commonwealth
Co-operative
Fish Exchange,
Limited.

3. The council is hereby empowered to purchase the property and assets of the Commonwealth Co-operative Fish Exchange, Limited, and to sell, lease, or otherwise dispose of the same.

Accounts.

4. A separate account shall be kept by the council of all moneys received and expended by it in the exercise of the powers conferred by this Act, and such moneys shall be paid into and out of the city fund.

Power to
establish fish
markets in
the area
defined in
Schedule.

5. (1) The council may, within the area defined in the Schedule, establish public markets for the sale of fish, and may, subject to the provisions of the Fisheries Acts and the regulations made thereunder, regulate, control, and manage the same.

(2) Every such establishment shall be notified in the Gazette, and the production of a copy of the Gazette containing such notification shall be evidence that the place therein specified is a public market.

(3) The provisions of sections two hundred and ninety, two hundred and ninety-one, two hundred and ninety-two, two hundred and ninety-three, three hundred and three, and Part XX of the Local Government Act, 1919, shall not extend to any market established by the council under this Act, or to any fish therein.

Fish only to
be sold by
auction in
public
markets.

6. (1) No person shall sell fish by auction within the area defined in the said Schedule except in a market established by the council under this Act, or provided and controlled by the council of a municipality or shire.

(2) No person other than the original owner shall sell fish by wholesale within the area defined in the said Schedule unless the fish has previously been sold by auction in one of the markets referred to in subsection one of this section. The onus of proving that the fish has been so sold by auction shall lie upon the person selling the fish by wholesale.

(3) Any person who commits a breach of the provisions of this section shall, upon conviction before a police or stipendiary magistrate or any two justices, be liable to a penalty not exceeding fifty pounds.

(4)

(4) Nothing in this section shall apply to fish purchased from or sold by or on behalf of the State trawlers.

7. The council shall not, nor shall any of the servants of the council, engage either as principal or agent in the business of buying or selling fish.

8. Any person for the time being authorised under the regulations made under the Fisheries Acts, and for the time being in force, to sell fish by auction in any market established by the council, shall be entitled so to do upon payment of such fees as may be prescribed by the by-laws made under this Act.

9. (1) In addition to the powers conferred by the Principal Act, the council may make by-laws not inconsistent with the Fisheries Acts or the regulations for the time being in force thereunder—

- (a) regulating the use, letting, and occupation of any market established by the council under this Act;
- (b) regulating the conduct of persons using such markets, resorting thereto, or buying or selling therein;
- (c) preventing and suppressing nuisances and enforcing cleanliness in and in connection with such markets, and for providing for and regulating the storage, removal, treatment, and disposal of garbage, offal, waste, and sewage;
- (d) prescribing how, when, and by whom and under what conditions and restrictions such markets, or any part thereof, may be used and occupied;
- (e) defining the duties of officers and servants;
- (f) providing for the inspection of fish and the seizure and destruction of diseased fish, or fish which is unfit for human consumption, which may be brought to or be in or about or be exposed or offered for sale in such markets;
- (g) prescribing, levying, and collecting rents, tolls, fees, and charges for the use of such markets or any part thereof;
- (h) prescribing, levying, and collecting fees for inspection of fish;
- (i) generally for carrying into effect the provisions of this Act.

(2)

George V,
No. 39.

(2) The council may by any such by-laws fix a maximum penalty for every offence against such by-laws, or any of them, not exceeding twenty pounds.

(3) Such by-laws shall—

- (a) be approved by the Governor;
- (b) be published in the Gazette;
- (c) take effect from the date of such publication or from a later date to be specified in such by-laws;
- (d) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

Recovery of
penalties.

10. Any penalty imposed by this Act or by any by-law made under the powers herein conferred shall be recoverable in a summary manner before a police or stipendiary magistrate or any two justices.

SCHEDULE.

WITHIN the county of Cumberland as follows:—Commencing at high-water mark on the east coast-line of the State of New South Wales at Barrenjoey; and bounded thence by a line bearing generally westerly to the northern extremity of Hawkesbury River railway bridge; thence by the Great Northern Railway line south-south-westerly to Pennant Hills railway station; thence by a line south-westerly to Parramatta railway station; thence south-easterly to Loftus Junction railway station; thence easterly to Hacking Point; and thence by the east coast-line aforesaid, and lines crossing the entrances of Bate Bay, Botany Bay, and Port Jackson, generally northerly to the point of commencement.

VOLUNTARY