

Act No. 49, 1912.

An Act to provide for, establish, and maintain an abattoir and cattle sale-yards in connection with and supported by certain local government areas in and near Newcastle; to provide for the application of manufacturing processes to offal and other matter in the abattoir; for such purposes to constitute a board; for the resumption and appropriation of land; to regulate the slaughter of cattle and the inspection of carcasses in certain districts; to amend the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, and the Local Government Act, 1906; and for purposes consequent thereon or incidental thereto. [27th November, 1912.]

NEWCASTLE
DISTRICT ABATTOIR
AND SALE-YARDS.

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:—

Preliminary.

1. This Act may be cited as the "Newcastle District Abattoir and Sale-yards Act, 1912."

2.

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Definitions.

- 2.** In this Act, unless the context otherwise indicates,—
- “Board” means Newcastle District Abattoir Board as constituted by this Act.
- “Cattle” includes all horses, mares, bulls, cows, bullocks, oxen, horned cattle, steers, heifers, calves, pigs, sheep, lambs, goats, and all other live stock.
- “Diseased” means affected with tuberculosis, anthrax, actinomycosis, or cancer, or with any other disease which the Governor, by notification in the Gazette, may declare to be a disease within the meaning and for the purposes of this Act.
- “Local newspaper” means newspaper circulating within the district.
- “Prescribed” means prescribed by this Act or by any by-laws made thereunder.
- “The abattoir” means the abattoir established under this Act.
- “The district” means area of land within a radius of fourteen miles from the Newcastle Post Office.

The board.

Aldermen of councils within the area to elect board.

3. Within three months from the commencement of this Act, and afterwards at the expiration of every three years from the date of the first election, the aldermen and councillors of the councils of the municipalities and shires within or partly within the district shall meet and, by ballot, elect from such aldermen and councillors a board of five members, to be called the Newcastle District Abattoir Board.

Constitution of board.

The Governor may, by regulations, prescribe the manner of conducting the first election under this section.

Chairman.

4. (1) The chairman of the board shall be elected annually by the members of the board from their own number.

Term of office.

(2) The term of office of members shall be three years, but any member shall be eligible for re-election :

Provided that if a member ceases to be an alderman or councillor of a municipality or shire within or partly within the district, his office shall be vacant, and an election to the office shall be forthwith held as in the case of an extraordinary vacancy.

Where in any case a vacancy in the board is filled the person filling the vacancy should hold office for the residue of the period of the person whose office he fills.

Deputy chairman.

(3) The board may from their own number appoint a deputy chairman, who shall have the same powers as the chairman during the absence of the chairman from the meetings of the board through illness or any other cause.

Details relating to board to be prescribed.

5. The mode of resigning office as a member of the board, what shall constitute an extraordinary vacancy in the office of any such member, the mode of filling up the same, the places and times of meeting of the board, and all details relating to the board in respect of the election of its members and its chairman and deputy chairman, and the conduct of its business shall be as prescribed. **6.**

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6. (1) The chairman of the board shall be paid a sum of Fees of board. fifty-two pounds per annum.

(2) Each other member of the board shall be entitled to a fee of one pound for every day on which he attends a meeting of the board, provided that no such member shall in any one year receive more than thirty pounds on account of such fees.

(3) Such salary and fees shall be paid out of the revenues of the board.

7. Three members of the board shall constitute a quorum at Quorum and vote of chairman. any such meeting. In the event of the votes being equally divided the chairman shall, in addition to his original vote, have a casting vote.

8. The board shall be a corporate body, with perpetual succession The board to be a corporate body. and a common seal, with power to hold real and personal estate, and to sue and be sued, and to take and be the subject of all legal proceedings by the name given to it by this Act.

Establishment and management of the abattoir and sale-yards.

9. (1) It shall be the duty of the board to provide and establish Board to provide abattoir and cattle sale-yards. an abattoir for the slaughter of cattle, and cattle sale-yards, and to manage and maintain such abattoir and sale-yards.

(2) The board in its discretion may apply any manu- Conversion of offal into merchantable article. facturing process to any offal or other matter in the abattoir, and convert it into a merchantable article, and sell the same.

(3) The board may also, if it thinks fit, deliver to the Delivery of carcasses. owners, any carcasses or portions of carcasses of animals slaughtered at the abattoir, or contract for such delivery.

10. (1) For the purpose of providing sites for such abattoir Resumption of land for site of abattoir and sale-yards. and sale-yards the Governor may, in pursuance of the Public Works Act, 1900, resume and appropriate any land selected by the board and approved of by the Colonial Secretary and by the Board of Health, and for the purpose of such resumption and appropriation, such abattoir and sale-yards shall be deemed an authorised work, and the Colonial Treasurer shall be deemed the Constructing Authority.

(2) On the said lands becoming vested in Land to vest in board. the said Act in the Colonial Treasurer, he shall by notification in the Gazette vest them in the board for the purposes of this Act, for an estate in fee-simple, and thereupon such lands shall be so vested.

11. (1) The cost of any such resumption, including all costs, Repayment of cost of resumption. expenses, and interest in respect of the same, up to the date when the lands resumed were vested in the board, shall be principal moneys owing by the board to the Crown, and shall be paid into the Treasury in such instalments and at such times as may be agreed upon between the Colonial Treasurer and the board: Provided that all principal moneys so owing shall be repaid within thirty years after the date when the lands were vested in the board, and that, if no such agreement is made, the repayment shall be made by thirty equal annual instalments, (2)

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Interest.

(2) Interest on any principal moneys so owing shall be paid half-yearly into the Treasury at the rate of three and a half per centum per annum, and shall be carried to the Consolidated Revenue Fund.

Board may acquire land and erect buildings.

12. For the purposes of the construction of, and the making additions or improvements to, such abattoir and cattle sale-yards, the board may acquire by purchase, lease, grant, or otherwise, and hold land within or in the vicinity of the district. The board may also purchase, construct, maintain, and alter such suitable buildings, yards, plant, machinery, and other works and improvements as may be deemed expedient for the purpose of the establishment and management of such abattoir and sale-yards :

Provided that any land so acquired as a site for any buildings shall have previously been approved of by the Board of Health.

Board may borrow money.

13. To provide funds for the payment of the cost of acquiring land as aforesaid, and the construction and establishment of such abattoir and cattle sale-yards, and for paying compensation as hereinafter provided, or for the redemption of any loan lawfully made by it, the board may borrow money at a rate to be approved by the Governor, from the Government or from any person, by debentures, mortgage, or otherwise, but so that the amount borrowed and then owing does not at any time exceed sixty thousand pounds.

All moneys borrowed by the board shall be a charge upon the rates and revenues of the municipalities and shires within or partly within the district and upon the revenues and sinking fund of the board.

Board may levy contribution on municipal councils.

14. (1) The board shall in each year make an estimate for the next following twelve months of its proposed expenditure for the maintenance of the abattoir and saleyards, and of the payments of interest and to the sinking fund hereinafter mentioned, and of instalments payable to the Crown for the same period, and of the revenue which will be derived from the said abattoir and saleyards and otherwise accruing to the board, together with a statement of the amount (if any) which it requires should be contributed by the municipalities and shires respectively within or partly within the district for making up any estimated deficiency in such revenue, to meet such expenditure and payments, and the time when any such contribution is payable.

(2) The board shall on or before the last day of February in each year notify such estimate and statement in a local newspaper.

(3) The contribution by each municipality and shire shall be, as nearly as may be, in proportion to its population within the district. The amount of any such contribution shall be determined by the board, but so as not to exceed one-half of a penny in the pound on the unimproved capital value of so much of the ratable land in the municipality or shire as is within the district.

(4)

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(4) Any such council may raise the amount of its contribution by a special rate or a local rate under the Local Government Act, 1906, or any Act amending it: Provided that in any poll of rate-payers on a proposal to make such rate, the question shall only be whether the rate shall be on the unimproved or the improved capital value of ratable land within the municipality or shire, and the question shall not be put whether the rate shall be made.

(5) If any such council makes default in paying the amount of such contribution, the board may, on notifying the council of its default—

- (a) make, levy, and collect the rate in respect of the municipality or shire of such council, and for that purpose shall have the powers of such council; or
- (b) recover the amount of such contribution from the council as a debt.

15. The board shall each year out of its revenues set apart and carry to the credit of a sinking fund a sum of not less than two per centum of the amounts borrowed by the board, which sum shall be invested in Government securities, and such securities shall be applied to the repayment of such amounts and not otherwise.

16. If, after such sum has been so set apart, and all expenditure necessary for the maintenance and renewals of the abattoir and sale-yards has been provided for, and all payments directed by or under this Act have been made, there remains any surplus from the profits accruing from the use of or in connection with such abattoir and cattle sale-yards, the board may distribute such surplus or such part thereof as it thinks fit amongst all the municipalities and shires within or partly within the district in proportion to their population within the district.

17. (1) The board, before or after the establishment of the abattoir and cattle sale-yards, may notify in the Gazette and in two local newspapers that, on and after a day therein mentioned (being on or after the establishing of the abattoir), it shall not be lawful within the district to slaughter otherwise than in such abattoir for the purpose of any trade or business any cattle to be used within the district for the food of man; and, in a like manner, may revoke any such notification.

(2) If any person slaughters or causes to be slaughtered any cattle to be used within the district for the food of man in contravention of a notification made under this section he shall be liable to a penalty not less than twenty and not exceeding one hundred pounds.

(3) Provided that the board may, with the approval of the Board of Health by like notification, exempt any part of the district from the provisions of this section, or from any notification thereunder, subject to such conditions as it thinks necessary.

18.

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Board to pay
compensation.

18. (1) There shall be paid by the board to the owner or lessee of premises situated within the district which, on the day mentioned in a notification under the last preceding section were licensed as a slaughter-house, compensation in respect of the material used in such permanent improvements to such slaughter-house effected by such owner or lessee as were necessary in order to place it in the condition required by the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, and the regulations thereunder:

Provided that—

- (a) such permanent improvements must consist of buildings or plant erected or bought after the first day of July, one thousand nine hundred and ten, and before the day mentioned in the notification abovementioned, and used exclusively in the slaughtering business;
- (b) no such compensation shall be paid for buildings or plant used for the treatment of by-products or be paid for land purchased or leased, or for any disturbance or loss of business or trade.

Compensation based
on market value of
material.

(2) The amount of such compensation shall be based, as nearly as possible, on the market value of the material of such improvements under reasonable conditions of sale.

Application for such compensation must be made to the board in the form giving the particulars prescribed within one month after the date mentioned as aforesaid.

Such owner or lessee and the board may agree as to the amount of such compensation. If no such agreement is come to within a reasonable time, the board shall forward the application to the Minister, who shall appoint a district court judge to hear the matter, and the determination of such judge shall be final.

(3) Where such owner or lessee is entitled to compensation under the last preceding subsections, time compensation may be allowed him by suspending, with respect to his slaughter-house, the operation of such notification as aforesaid for such period, not extending beyond three years from the commencement of this Act, as may be agreed upon between him and the board.

(4) No compensation, other than that provided by this section, shall be paid or given to any such owner or lessee.

Carcases brought into the district.

Meat slaughtered
outside district and
brought in.

19. (1) The carcase or any portion of the carcase of any animal slaughtered outside the district shall not be brought into the district for human consumption within the district, except under the following conditions:—

- (a) The carcase or portion of the carcase shall be accompanied by a certificate, signed by an inspector of slaughtering duly appointed

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appointed and approved by the Board of Health, that at the time of slaughtering, the said carcase or portion thereof was duly inspected and was free from disease.

- (b) Any person bringing or causing to be brought any such carcase or portion thereof into the district shall cause the same to be taken to the abattoir, established under this Act, or to some place appointed by the board, for inspection by the board's inspector, and shall pay the prescribed fee for such inspection.

(2) Provided that the board may, with the approval of the Board of Health, exempt from all or any of the above provisions carcasses or portions of carcasses brought into any specified part of the district, subject to such conditions as it thinks necessary.

If any person contravenes or fails to comply with any such conditions, he shall be liable to a penalty as provided by by-law.

(3) If any person brings or causes to be brought into the district the carcase or any portion of the carcase of any animal slaughtered outside the district for human consumption within the district, he shall, unless he proves that the conditions of this section have been complied with, be liable to a penalty as provided by by-law.

(4) Any person authorised by the by-laws may, in pursuance thereof, destroy any carcase or portion of a carcase which on inspection appears to be diseased or unwholesome.

Slaughter-houses within radius of fourteen miles.

20. (1) Until the expiration of three years from the commencement of this Act, the Minister shall exclusively have, with respect to slaughter-houses (including the abattoir) situated within the district, and with respect to cattle intended for slaughter or slaughtered therein, the powers and duties which by the provisions of Part II of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, and the Local Government Act, 1906, are conferred and imposed on councils of municipalities and shires :

Inspection of
slaughter-houses
within the district.

Provided that all fees payable under those provisions or under this Act in respect of the inspection of cattle, carcasses, portions of carcasses, or skins, and all penalties recovered in respect of offences committed within the said radius against those provisions, or against the provisions of this Act, shall be paid to the board.

(2) At the expiration of the said three years such powers and duties shall be transferred to and vested in the board, and the fees and penalties aforesaid shall continue to be paid to the board : Provided that such of the provisions of Part II of the said Act as relate to registration and licensing shall not apply to the abattoir : Provided also that the board shall appoint a sufficient number of inspectors, who shall be persons approved by the Board of Health.

General

*Newcastle District Abattoir and Scales-yards.**General provisions.*

Appointment of receiver on default of board.

21. (1) If the board makes default in the payment of any principal sum borrowed under this Act or of any interest thereon, or in the payment of any instalment or interest payable by the board into the Treasury, the holder of the debenture, mortgage, or other security, or the Colonial Treasurer, as the case may be, may make application to the Supreme Court that a receiver be appointed of the rates and revenues of the municipalities and shires within or partly within the district, and of the revenues and sinking fund of the board.

Powers of receiver.

(2) Such receiver shall, with respect to each such municipality and shire, have the powers of the council of the same, and shall, with respect to the district, have the powers of the board, and shall further have the powers and be subject to the liabilities of a receiver appointed by the Supreme Court in its equitable jurisdiction.

Application of moneys collected by receiver.

(3) Such receiver shall receive the rates and revenues of the respective municipalities and shires and of the board, and after paying all necessary expenses and disbursements, shall apply the balance in such manner as the Court may direct until the loan or the interest thereon, or the instalments or interest due, as the case may be, are fully paid.

Accounts to be kept.

22. The board shall cause to be kept in the form prescribed true accounts of its income and expenditure and of its assets and liabilities.

The accounts of the board shall be audited at the times and in the manner prescribed by auditors appointed by the board. Such auditors shall be persons approved by the Minister or auditors certificated under section one hundred and eighty-four of the Local Government Act, 1906.

Examiners of accounts.

23. The Governor may appoint examiners, who shall, at the times prescribed and at such other times as the Minister may direct, inspect the accounts of the board, and report to the board and the Minister any irregularity or dishonesty which they may discover.

Such examiners may disallow any expenditure or entry in the books of the board which they consider has been wrongly, irregularly, or dishonestly made. Any sum so disallowed shall be a surcharge upon and may be recovered or deducted from moneys due to the officers or servants by whom the expenditure was incurred or ordered to be incurred, or by whom the entry was made or ordered to be made.

Any person upon whom a surcharge is made may appeal to the Minister, whose decision shall be final. Such appeal shall be made within one month of the surcharge.

Powers of auditors and examiners.

24. The provisions of subsections one and three of section one hundred and eighty-six of the Local Government Act, 1906, shall apply to any audit or examination of accounts under this Act.

25.

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25. (1) The board shall, in the month of January in each year, prepare accounts for the last preceding year, showing its receipts and expenditure, and stating the sources of such receipts and the purposes for which such expenditure was made, and shall publish such accounts in a local newspaper. Yearly accounts by board.

(2) The board may appoint such officers and servants as it may deem expedient for the proper administration of this Act and the by-laws to be made hereunder. Power to appoint officers and servants.

(3) The salaries of such officers and servants shall be paid by the board out of its revenues.

26. (1) The board may make by-laws— By-laws.

- providing for the construction, erection, maintenance, renewals, regulation, management, letting, occupation, and use of the said abattoir and sale-yards, and for regulating and controlling the use of the same, and the conduct of persons using the same or resorting thereto, or slaughtering, buying, selling, or dealing therein ;
- preventing and suppressing nuisances, and enforcing cleanliness in and in connection with such abattoir and sale-yards, and providing for and regulating the storage, removal, treatment, and disposal of garbage, manure, offal, refuse, waste, slops, and sewage ;
- prescribing how, when, by whom, and under what terms, conditions, and restrictions such abattoir and sale-yards, or any part thereof, may be used and occupied ;
- defining the duties and powers of officers and servants appointed by the board ;
- providing for the inspection of cattle and meat, and for the seizure and destruction of diseased cattle or cattle which are unfit for human consumption, and diseased or unwholesome meat which may be brought to, or be in, upon, or about, or be exposed or offered for sale in such abattoir or sale-yards ;
- providing for the application of any manufacturing process to any offal or other matter ;
- providing for the delivery of carcasses or portions of carcasses ;
- prescribing, fixing, levying, and collecting rents, tolls, fees, and charges for the use of or in connection with such abattoir and sale-yards ;
- fixing, levying, and collecting fees for inspection of carcasses or portions of carcasses brought into the district for human consumption within the district ;
- regulating the hearing before a district court judge of matters relating to compensation ;
- fixing any penalties not exceeding twenty pounds for any breach or neglect of the by-laws ;
- generally for carrying into effect the purposes and provisions of this Act.

(2)

Appropriation (No. 2).

By-laws to be
approved by
Governor.

(2) All such by-laws shall be forwarded to the Colonial Secretary, and may be referred by him to the Board of Health for report. On receipt of the report of the Board of Health, such by-laws may be submitted to the Governor for his approval, and if by him approved shall be published in the Gazette, and thereupon, but not sooner or otherwise, shall, subject to this Act, have the force of law. All such by-laws on being gazetted shall be laid before both Houses of Parliament within fourteen days after the next meeting of Parliament. But if either House of the 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-laws, such by-laws shall thereupon cease to have effect.
