

## MEAT INDUSTRY (AMENDMENT) ACT.

### Act No. 48, 1934.

An Act to declare the capital indebtedness to the State of the corporation sole constituted under the Meat Industry Act, 1915-1932; to validate certain matters and to make certain provisions relating to the Metropolitan Meat Industry Board Officers' Endowment Fund; for these and other purposes to amend the Meat Industry Act, 1915-1932, and certain other Acts; and for purposes connected therewith. [Assented to, 27th December, 1934.]

George V.  
No. 48, 1934.

**B**E 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 "Meat Industry (Amendment) Act, 1934," and shall be read and construed with the Meat Industry Act, 1915-1932.

Short title.

(2) The Meat Industry Act, 1915-1932, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Meat Industry Act, 1915-1934.

**2.** The Principal Act is amended—

Amendment of  
Act No. 69,  
1915.

(a) by inserting after subsection four of section four the following new subsection:—

Sec. 4,  
new subsec.  
(5).

(5) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this section have been construed

(Saving.)

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Sec. 8A.  
Subsecs.  
(4), (4A)  
and (4B).  
(Commis-  
sioner's  
term of  
office.)

construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

- (b) by omitting subsection four of section 8A and by inserting in lieu thereof the following subsections:—

(4) A commissioner shall, subject to this Act, hold office until he attains the age of sixty-five years.

(4A) The person who holds office as commissioner immediately before the commencement of the Meat Industry (Amendment) Act, 1934, shall, without further or other appointment, but subject to this Act, continue to hold such office until he attains the age of sixty-five years.

(4B) No person of or above the age of sixty-five years shall be appointed as commissioner.

Sec. 8A (9).  
(Rights of  
commis-  
sioner.)

- (c) by omitting from paragraph (a) of subsection nine of the same section the words "discontinued or";

Sec. 8A.  
(Metro-  
politan Meat  
Industry  
Commis-  
sioner.)

- (d) by inserting at the end of subsection nine of section 8A the following new paragraphs:—

(d) A commissioner who at the date of his appointment is an officer or inspector shall, in the event of his office as commissioner being abolished, be entitled, if he is under the age of sixty years, to be appointed as an officer or inspector, as the case may be, with a classification and salary not lower than that which he held at the date of his appointment as commissioner.

(e) Nothing in this Act shall affect the rights accrued or accruing under this Act or under the constitution and rules of the Metropolitan Meat Industry Board Officers' Endowment Fund to any officer or inspector appointed as commissioner.

(f) Any officer or inspector appointed as commissioner shall continue to contribute to the Metropolitan Meat Industry Board Officers' Endowment Fund, and shall be entitled to receive any deferred or extended leave as if he were an officer or inspector.

(g)

(g) Paragraphs (e) and (f) of this subsection shall extend to the commissioner holding office at the commencement of the Meat Industry (Amendment) Act, 1934, and for the purposes of the extension of such paragraphs the service of such commissioner as a member of the committee of management appointed under the Meat Industry (Amendment) Act, 1932, shall be deemed to be service as an officer.

(h) The commissioner holding office at the commencement of the Meat Industry (Amendment) Act, 1934, shall, in the event of his office as commissioner being abolished, be entitled, if he is under the age of sixty years, to be appointed as an officer with a classification and salary not lower than that which he held at the date of his appointment as a member of the committee of management appointed under the Meat Industry (Amendment) Act, 1932.

(e) by inserting at the end of section nine the following words:—

Sec. 9.  
(Officers,  
etc.)

A person who

(a) carries on the business of a carcase butcher or a retail seller of meat or a meat exporter; or

(b) is a member of any firm or a director or officer of any company, society, association, or corporation directly or indirectly carrying on the business of or having for its objects the sale of meat (whether as a carcase butcher or as a retail seller) or the export of meat, or who receives any remuneration or fee or any benefit (otherwise than as a shareholder in a company consisting of more than twenty-five persons) from any such firm, company, society, association or corporation,

shall not be eligible to be appointed as an officer inspector or servant and shall be disqualified from holding any such position.

(f) (i) by omitting from paragraph three of section fourteen the words "either on its own behalf or";

Sec. 14.  
(Powers of  
corporation  
sole.)

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**Sec. 15.**  
(Tolls—  
correction.)

**Sec. 18.**  
(Power to  
sell land,  
etc.)

**Sec. 18A.**  
(Constitution  
of Advisory  
Council.)

**Sec. 18D.**  
(Accounts  
and audit.)

**Substituted  
sec. 19.**

**Prohibition  
of slaughtering.**

- (ii) by omitting paragraph four of the same section;
- (iii) by omitting from paragraph five of the same section the words “either on its own behalf or”;

(g) by omitting from section fifteen the word “tolls” wherever occurring.

(h) (i) by omitting from section eighteen the words “or other property”;

(ii) by inserting at the end of the same section the following new paragraph:—

The corporation sole may sell, transfer and dispose of any other property vested in or held or owned by the corporation sole.

(i) (i) by inserting at the end of paragraph (c) of subsection three of section 18A the words “ or of The New South Wales Meat Exporters Association, or of the Wholesale Meat Traders Protective Association or by such governing bodies jointly ”;

(ii) by omitting subsection eight of the same section and by inserting in lieu thereof the following subsection:—

(8) The advisory council shall elect one of its members to be the deputy-chairman thereof.

In the absence of the chairman the deputy-chairman may act in his stead.

(j) by inserting in subsection four of section 18D after the figures “1902” the words and brackets “(except section twenty-five thereof)”;

(k) by omitting section nineteen and by inserting in lieu thereof the following section:—

19. (1) (a) Subject as hereinafter mentioned, no person shall, except with the consent of and under the conditions prescribed by the corporation sole, within the metropolitan abattoir area, slaughter any cattle or dress any carcase for human consumption, except at a public abattoir.

(b)

(b) If the consent of the corporation sole is asked to the slaughtering of any cattle or the dressing of carcases (the bona fide property of the applicant) for human consumption at the works of the Riverstone Meat Company, Limited, at Riverstone, or at the works of the Sydney Meat Preserving Company, at Auburn, such consent shall not be refused so long as such works are not directly or indirectly owned or controlled in whole or in part by a foreign company, or by a person or persons who are not British subjects domiciled in Australia, except on the ground that such works do not comply with the reasonable requirements prescribed by the corporation sole as to construction and sanitation, but any such works if registered under the Commerce (Meat Export) Regulations of the Commonwealth of Australia shall, while such registration remains in force, be deemed to comply with such requirements.

(c) If the consent of the corporation sole is asked to the slaughtering of any cattle or the dressing of carcases for human consumption at any premises within the County of Cumberland, but outside the area defined in Schedule III hereto, which were, immediately before the first day of March, one thousand nine hundred and sixteen, used for the slaughtering of cattle or the dressing of carcases for human consumption, and have since that date been continuously so used, such consent shall not be refused, but may be given in such form and subject to such terms and conditions as the corporation sole may in its absolute discretion determine.

Penalty: One hundred pounds.

(2) No person shall, within the metropolitan abattoir area, except with the consent of the corporation sole, sell or attempt to sell, or expose for sale, or have in his possession for sale, or allow or cause to be sold or exposed for sale, for human consumption, any carcase or

meat

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meat which has been slaughtered within or brought into such area, otherwise than in accordance with this Act.

Penalty: Fifty pounds.

(3) 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 meat which is unwholesome or unfit for human consumption.

(4) Any consent whatsoever given or required to be given under this section shall be for a period not exceeding twelve months at any one time.

Sec. 20.

(Consents.)

New sec.  
20A.

Power to confer upon corporation sole the exclusive right to slaughter cattle and dress carcasses.

- (1) by omitting section twenty.  
(m) by inserting next after section twenty the following new section:—

20A. (1) The Governor may, from time to time, upon the recommendation of the corporation sole, by proclamation published in the Gazette, confer upon the corporation sole the exclusive right at a public abattoir to slaughter cattle and dress carcasses for human consumption.

(2) The Governor may upon the like recommendation, revoke or vary any such proclamation by a further proclamation published in the Gazette.

(3) Any proclamation under this section shall take effect from the date of publication in the Gazette, or from a later date, to be specified in the proclamation.

(4) Notwithstanding anything contained in this Act, the corporation sole shall, while a proclamation referred to in subsection one of this section remains in force, have the exclusive right at a public abattoir of slaughtering cattle and dressing carcasses for human consumption, and may charge such fees for the slaughtering and dressing as may be prescribed by by-laws.

(n)

(n) by inserting after section twenty-one the following new sections:—

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New secs.  
21A, 21B.

21A. (1) No person shall bring or send or cause or allow to be brought or sent into the Metropolitan Abattoir Area from any part of New South Wales outside that area any carcase or meat derived from any animal slaughtered in New South Wales, but outside the Metropolitan Abattoir Area, unless—

Bringing or  
sending  
meat into  
Metropolitan  
Abattoir  
Area.

(a) the animal has been slaughtered at premises which are licensed or deemed to be licensed by the corporation sole under this section; and

(b) such animal has been inspected at the time of slaughter and passed as fit for human consumption by an inspector or by a person approved by the corporation sole.

The prescribed fees for such inspection shall be paid to the corporation sole.

Penalty: Fifty pounds.

(2) (a) Application to the corporation sole for a license under this section for any premises or for a renewal of any such license may be made by the occupier of such premises in the manner and in or to the effect of the form prescribed.

(b) The application shall be accompanied by the prescribed fee.

(c) A license shall, unless sooner revoked, remain in force until the thirty-first day of December next following the date of issue but may be renewed from time to time.

(d) A renewal of a license shall commence upon the date of the expiry of the license so renewed or the previous renewal, as the case may be, and shall, unless sooner revoked, remain in force for a period of one year.

(e) Any license or renewal of a license may be subject to such terms and conditions as may be prescribed.

(f) A license or renewal of a license shall not be refused except on the ground that  
the

the premises in respect of which the license or renewal is sought do not comply with the reasonable requirements prescribed by the corporation sole as to construction and sanitation.

(g) Where the holder of a license fails to maintain the premises in respect of which a license is held to the extent necessary to comply with the reasonable requirements prescribed by the corporation sole as to construction and sanitation the corporation sole may revoke the license.

(h) Every holder of a license shall comply with the terms and conditions of or attaching to his license and the requirements prescribed by or under the by-laws or otherwise under this Act in relation to construction and sanitation of the premises.

Penalty: Fifty pounds.

(3) In any prosecution for a contravention of subsection one of this section the onus of proof that the carcase or meat has been derived from an animal slaughtered at premises mentioned in paragraph (a) of that subsection and that such animal has been inspected at the time of slaughter as mentioned in paragraph (b) thereof shall be on the defendant.

(4) Any inspector may at any time inspect any premises in respect of which a license is in force or in respect of which an application for a license has been made and the utensils, plant and appliances used or to be used in connection therewith.

(5) Nothing in the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, as amended by subsequent Acts, shall impair the operation of this section, and nothing in this section shall exempt any person from complying with the provisions of such Act:

Provided that in case the operation of this section shall be in contradiction of any provisions of such Act the observance of this section and the by-laws thereunder shall be deemed a compliance with such provision.

(6)



(6) Any establishment registered under the Commerce (Meat Export) Regulations of the Commonwealth of Australia, and the abattoir established under the Newcastle District Abattoir and Sale Yards Act, 1912, as amended by subsequent Acts, and any abattoir established under the Broken Hill Abattoirs Markets and Cattle Sale-yards Act, and any abattoir provided, controlled and managed by a council under Part XXI of the Local Government Act, 1919, as amended by subsequent Acts, shall, for the purposes of subsection one of this section, be deemed to be licensed by the corporation sole.

(7) Notwithstanding anything contained in this section, a license in respect of premises owned or controlled in whole or in part by a foreign company or by a person or persons who are not British subjects domiciled in Australia may be given in such form and subject to such terms and conditions or may be refused on such grounds as the corporation sole may in its absolute discretion determine. The provisions of subsection six of this section shall not apply to any premises so owned or controlled.

(8) For the purposes of section nineteen and of this section "foreign company" means a company which directly or indirectly is owned or controlled by persons who are not British subjects domiciled in Australia.

21B. No person shall bring or send or cause or allow to be brought or sent into the Metropolitan Abattoir Area any carcase or meat derived from any animal slaughtered outside New South Wales except under the conditions prescribed by the by-laws.

Meat from  
outside  
New South  
Wales.

Penalty: Fifty pounds.

- (o) (i) by omitting from subsection one of section twenty-two the word "may" where firstly and thirdly occurring and by inserting in lieu thereof the word "shall";
- (ii) by inserting at the end of the same subsection the following words "but no such fees shall be charged in respect of any carcase

Sec. 22.  
(Inspection  
of meat.)

or

or meat brought into the Metropolitan Abattoir Area, where such carcase or meat is derived from an animal slaughtered at premises licensed under section 21A of this Act, or deemed to be licensed for the purposes of subsection one of that section.

(iii) by omitting from subsection two of the same section the word " may " and by inserting in lieu thereof the word " shall ";

New sec.  
26A.

(p) by inserting next after section twenty-six the following new section:--

Facilitation  
of proof.

26A. In any proceedings for an offence against this Act—

(a) proof of the fact that a person has in his possession or on any premises occupied or controlled by him where meat is offered for sale the carcase or portion of the carcase of any cattle shall be prima facie evidence that such carcase or portion thereof is intended for sale for human consumption;

(b) a certificate purporting to be signed by the secretary and treasurer of the corporation sole that the consent of the corporation sole has not been given to slaughter cattle shall be prima facie evidence that such consent has not been given; and it shall not be necessary to prove the signature to such certificate;

(c) a certificate purporting to be signed by an inspector that a carcase bears no inspection mark shall be prima facie evidence that such carcase has not been dressed at a public abattoir or under the conditions prescribed by the corporation sole, and it shall not be necessary to prove the signature to such certificate.

Sec. 30.  
(By-laws.)

(q) by inserting in paragraph one of subsection one of section thirty after the words "the same" where firstly occurring the words "and prescribing the terms and conditions upon which the same may be used."

(r)

- (r) (i) by inserting in subsection one of section thirty after the words "The corporation sole may make by-laws" the words "not inconsistent with this Act;" No. 48, 1934.  
Sec. 30.  
(By-laws.)
- (ii) by omitting from paragraph six of the same subsection the word "tolls";

3. The Principal Act is further amended—

- (a) by inserting next after section twenty-five the following new Part:—

Further amendment of Act No. 69, 1915.  
New Part IV.

PART IV.

CAPITAL INDEBTEDNESS.

25A. (1) The capital indebtedness to the State of the corporation sole in respect of the public abattoirs, public saleyards and public meat markets is hereby declared to be the sum of eight hundred thousand pounds as at the first day of January, one thousand nine hundred and thirty-five, but may be added to as provided in subsection two of this section.

Fixation of capital indebtedness

(2) (a) The Minister shall, as soon as practicable after the commencement of the financial year commencing on the first day of July, one thousand nine hundred and thirty-five, certify the total expenditure during that part of the financial year ending on the thirtieth day of June, one thousand nine hundred and thirty-five, which commenced on the first day of January, one thousand nine hundred and thirty-five, out of moneys provided by Parliament for any extension of or addition to the works referred to in subsection one of this section or for the establishment or extension of or addition to any other works which the corporation sole is authorised to establish, maintain and conduct.

(b) The Minister shall, as soon as practicable after the commencement of the financial year commencing on the first day of July, one thousand nine hundred and thirty-six, and of each succeeding financial year, certify the total expenditure during the preceding

preceding financial year out of moneys provided by Parliament for any extension of or addition to the works referred to in subsection one of this section or for the establishment or extension of or addition to any other works which the corporation sole is authorised to establish, maintain and conduct.

(c) The expenditure so certified shall be notified by the Minister in the Gazette, and shall be added to and become part of the capital indebtedness of the corporation sole.

(3) The corporation sole shall pay interest to the Colonial Treasurer at such times as the Colonial Treasurer may direct upon the capital indebtedness, including any additions made thereto in accordance with subsection two of this section, at the average current rate payable by the Government for loan moneys.

(b) by inserting in section one after the matter relating to Part IV the following words:—

PART IVA.—CAPITAL INDEBTEDNESS—s. 25A.

Metro-  
politan  
Meat Board  
Officers'  
Endowment  
Fund.

4. (1) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to or in respect of the trusts of the Metropolitan Meat Industry Board Officers' Endowment Fund constituted by a certain deed made on the fourteenth day of May, one thousand nine hundred and twenty-eight, between the persons named in the Second Schedule thereto of the one part and the Metropolitan Meat Industry Board of the other part, arising out of the constitution and rules of that Fund contained in the First Schedule to such deed with the modifications, alterations and additions therein and thereto made before the commencement of this Act, and with such modifications, alterations and additions therein and thereto made after the commencement of this Act as are approved by the Metropolitan Meat Industry Commissioner.

(2) The appropriation by the Metropolitan Meat Industry Board of the sum of five thousand pounds on the first day of July, one thousand nine hundred and twenty-one, for the purpose of establishing the Metropolitan Meat Industry Board Officers' Endowment Fund, the

the execution by the said Board of the said deed, and all payments made in accordance with the constitution and rules of the said Fund for the time being in force, by the said Board or by the committee of management constituted under section four of the Meat Industry (Amendment) Act, 1932, or by the Metropolitan Meat Industry Commissioner are hereby validated.

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(3) Notwithstanding section three or any other provision of the Meat Industry (Amendment) Act, 1932, and the provisions contained in the constitution and rules of the said Fund, the modifications, alterations and additions to the said constitution and rules made during the term of office of the committee of management constituted under section four of the Meat Industry (Amendment) Act, 1932, shall have effect as if they had been made in accordance with clause seventeen of the said constitution and rules.

(4) The provisions of the Truck Act, 1900, or of section forty-nine of the Industrial Arbitration Act, 1912, or of any Act amending or replacing those provisions, shall not apply and shall be deemed never to have applied in respect of deductions from the wages or salary of a contributor to the said Fund of the amount of the contribution payable by such contributor thereto.

cf. Act No. 5, 1919, s. 14B.

