

Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act (Private Act) of 1900

[1900-bha]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2000 to 5 July 2012 (accessed 23 November 2024 at 6:48)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act (Private Act) of 1900



New South Wales

An Act to authorise the acquisition of lands and the establishment, erection, and maintenance of Abattoirs, Markets, and Cattle Sale-yards by the municipality of Broken Hill, within or in the vicinity of the municipality of Broken Hill.

Preamble

WHEREAS the council of the municipal district of Broken Hill are desirous of establishing abattoirs, markets, and yards for the sale of cattle within or in the vicinity of the said municipal district, and for such purposes it is necessary that full power should be given to the said council to acquire by purchase, lease, grant, dedication, or otherwise, and to hold lands and to erect and maintain thereon suitable buildings, yards, and improvements, and for such purposes to borrow money by debentures, or otherwise secured by a mortgage or mortgages of the said lands or any of them, and of the rates, fees, and tolls to be levied thereat, or in respect thereof, or otherwise hereunder, and [or] upon the general revenue of the said municipal district, as in the opinion of the said council may be deemed most expedient, and to charge fees, and to make by-laws for and in connection with the maintenance, supervision, management, and regulation of such abattoirs, markets, and sale-yards, and to levy fees upon other sale-yards within or adjacent to the said municipal district:

Be it therefore enacted by the Queen'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 1 Preliminary

1 Name of Act

This Act may be cited as the *Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act*.

2 Definitions

In this Act and in any by-laws made hereunder, unless the context otherwise requires:

Municipality means the municipal district of Broken Hill.

Council means the council of the municipal district of Broken Hill.

Council clerk means the council clerk or other person authorised by the mayor or council of the municipal district of Broken Hill, to perform the duties of council clerk.

Prescribed means prescribed by this Act, or any by-law made under this Act.

Cattle includes all horses, mares, geldings, foals, mules, bulls, cows, bullocks, oxen, horned cattle, steers, heifers, calves, pigs, sheep, lambs, goats, and all other live stock.

Owner includes any agent or other person authorised by the owner of any cattle or any person in charge thereof.

Part 2 Abattoirs

3 Power to acquire land and establish abattoirs

It shall be lawful for the council to acquire by purchase, lease, grant, dedication, or otherwise, and to hold lands within or in the vicinity of the municipality, and to purchase and place, erect, construct, maintain, improve, and alter suitable buildings, yards, plant, machinery, and other works and improvements thereon, as may be deemed expedient for the purpose of making due provision for and establishing abattoirs for the slaughter of cattle.

4 Power to borrow

To provide funds for the purchase or acquisition of such land and the erection, construction, and maintenance thereon of the said buildings, yards, plant, machinery, and other works and improvements, and the improvement and alteration thereof, it shall be lawful for the council, without any authority other than this Act, to borrow any sum of money not exceeding five thousand pounds, at a rate of interest not exceeding eight per centum per annum by debentures or otherwise secured upon a mortgage of the said lands with all usual covenants and powers of sale, and also upon the rates, fees, and tolls to be levied at or in connection with the said abattoirs, and also if the said council shall deem expedient upon the general revenue of the municipality from whatever source arising: Provided that the proceeds to arise from such rates, fees, and tolls, and all other profits accruing from the use of or in connection with the said abattoirs and premises received by the council shall, after payment of all current expenses incident to the maintenance, conduct, and management of such abattoirs, be appropriated in or towards the payment of the principal sum so borrowed and any interest accrued thereon, and an account to be called "Abattoir Fund" shall be kept by the council.

5 Prohibition against slaughtering at places other than municipal abattoirs

Upon the establishment and during the use of such abattoirs it shall not be lawful within the municipality, or in any part of the county of Yancowinna, to slaughter at any place other than the said abattoirs for the purpose of trade any cattle to be used within the

municipality for the food of man.

Part 3 Markets

6 Power to acquire land and establish markets

It shall be lawful for the council to acquire by purchase, lease, grant, dedication, or otherwise, and to hold land within the municipality, and to purchase and place, erect, construct, maintain, improve, and alter suitable buildings, shops, stalls, and other works, and improvements thereon as may be deemed expedient for the purpose of making provision for the establishment and holding of public markets for the sale of butcher's meat, poultry, fruit, vegetables, garden and dairy produce, and other provisions and general merchandise.

7 Power to borrow

To provide funds for the purchase or acquisition of such land, and the erection, construction, and maintenance thereon of such buildings, shops, stalls, and other works and improvements, and the improvement and alteration thereof, it shall be lawful for the council without any authority other than this Act to borrow any sum of money not exceeding ten thousand pounds, at a rate of interest not exceeding eight per centum per annum, by debentures or otherwise secured upon a mortgage of the said land, with all usual covenants and powers of sale, and also upon the rates, rents, fees, and tolls to be levied and received at, from, or in connection with the said markets, and also if the said council shall deem expedient so to do upon the general revenue of the municipality from whatever source arising: Provided that the proceeds to arise from such rates, rents, fees, and tolls, and all other profits accruing from the use of or in connection with the said markets and premises received by the council shall, after payment of all current expenses incident to the maintenance, conduct, and management of such markets, be appropriated in or towards payment of the principal sum so borrowed and any interest accrued thereon, and an account to be called "Markets Fund" shall be kept by the council.

Part 4 Cattle sale-yards

8 Power to acquire land and establish cattle sale-yards

It shall be lawful for the council to acquire by purchase, lease, grant, dedication, or otherwise, and to hold lands within or in the vicinity of the municipality, and to purchase and place, erect, construct, maintain, improve, and alter suitable buildings, yards, and such other works thereon as may be deemed expedient for the purpose of making provision for the sale of cattle therein.

9 Power to borrow

To provide funds for the purchase or acquisition of such land, and the erection, construction, and maintenance thereon of the said buildings, yards, and works, and the improvement and alteration thereof, it shall be lawful for the council, without any

authority other than this Act, to borrow any sum of money not exceeding three thousand pounds, at a rate of interest not exceeding eight per centum per annum, by debentures or otherwise secured upon a mortgage of the said land, with all usual covenants and powers of sale, and also upon the rates, fees, and tolls to be levied at or in connection with the said sale-yards, or at other sale-yards as hereinafter provided, and also if the council shall deem expedient so to do, upon the general revenue of the municipality, from whatever source arising: Provided that the proceeds to arise from such rates, fees, and tolls, and all other profits accruing from the use of, or in connection with, the said sale-yards and premises received by the council, shall, after payment of all current expenses incident to the maintenance, conduct, and management of such buildings, yards, and premises, be appropriated in or towards payment of the principal sum so borrowed, and any interest thereon accrued, and an account to be called "Cattle Sale-yards Fund" shall be kept by the council.

10 Power to levy fees on other sale-yards

So soon as such sale-yards shall be established, and such by-laws as are hereinafter authorised confirmed and published, the council may demand and take from every owner in respect of any cattle brought to such sale-yards or yarded in or brought to any other sale-yards within the municipality, or within ten miles from any boundary of the municipality, if such cattle be intended for sale by auction or otherwise, the fees and charges mentioned in the said by-laws: Provided that the fees and charges to be levied by the council upon cattle yarded in or brought to other sale-yards as aforesaid shall not exceed those upon cattle yarded in or brought to the sale-yards established under this Act.

11 Auctioneers and others to make returns as to other sale-yards

Every auctioneer, owner, and other person selling, or offering for sale, cattle at any sale-yard within the limits aforesaid other than the yards established under this Act, from and after the establishment under this Act of such sale-yards and the confirmation and publication of such by-laws as aforesaid, shall, between the first and seventh day of each month, hand to the officer appointed by the council for that purpose, or in default of and until such appointment to the council clerk, a true and accurate return in writing of all cattle yarded in or brought to for the purpose of sale, or sold or offered for sale by him in any sale-yard other than the sale-yards established under this Act during the previous month, and shall with such return pay to such officer or council clerk, as the case may be, the amount of the prescribed fees and charges chargeable thereon.

12 Penalty

If any auctioneer, owner, or other person shall neglect or refuse to make and deliver such return, or to make such payment as aforesaid, or shall make or deliver a false return, he shall be liable to a penalty of not less than twenty shillings nor more than five pounds for every such offence, and shall also be liable to a like penalty for each day during which such neglect or refusal to make and deliver such true and accurate return, or to make

such payment as aforesaid shall continue.

Part 5 General

13 Power to appoint officers and servants

The council may appoint all such officers and servants as they shall deem expedient for the proper administration of this Act and by the by-laws to be made hereunder: Provided that nothing in this Act shall be taken to alter or in any way lessen the powers of the Minister for Health or the Secretary of the Department of Health as authorised by law, and that the necessary expert inspectors of cattle and meat shall be appointed subject to the approval of that Secretary.

14 Power to make by-laws

The council may make by-laws for the following matters:

providing for the construction, erection, maintenance, regulation, management, letting, occupation, and use of the said abattoirs, markets and sale-yard, and for regulating, restricting, and controlling the use of the same, and the conduct of all 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 abattoirs, markets and sale-yards and providing for and regulating the storage, removal, treatment, and disposal of garbage, manure, offal, refuse, waste slops, and sewerage,

prescribing how, when, by whom, and under what terms, conditions, and restrictions such markets, abattoirs, and sale-yards, or any of them, or any part or parts thereof may and shall be used and occupied,

defining the duties and powers of all officers and servants appointed by the council to carry out the provisions of this Act or any by-laws hereunder,

providing for the inspection of all cattle, meat, articles of food and consumption, and for the seizure and destruction of diseased cattle, diseased or unwholesome meat, articles of food and consumption which shall be brought to, or be in, upon, or about, or be exposed, or offered for sale in such abattoirs, markets, or sale-yards, or any shops, buildings, or premises in connection therewith,

prescribing, fixing, levying, and collecting all rents, tolls, fees, and charges for the use of or in connection with such abattoirs, markets, and sale-yards, or any of them, or any part or parts thereof, and such other sale-yards as aforesaid,

generally for carrying into effect the purposes and provisions of this Act.

15 Maximum and minimum penalties

All by-laws made under the authority of this Act may prescribe some maximum and minimum penalty for any and every breach or neglect thereof respectively, and may also prescribe minimum penalties in case of two or more convictions in respect of the same offence: Provided that no such maximum penalty shall exceed twenty pounds.

16 General penalty

Every person committing any breach of any provision of this Act or of any by-law hereunder by wilful act or refusal or neglect to act or otherwise shall, when no specific penalty has been provided for such offence, be liable to a penalty not exceeding twenty pounds.

17 Confirmation of by-laws

All by-laws made under this Act shall have the force of law when confirmed by the Governor and published in the Gazette.

18 Legal procedure

All sums of money which shall be imposed or made payable, and all fines, penalties, and forfeitures incurred under this Act, or any by-laws made hereunder, may, with costs of suit, be recovered in a summary way at the suit of the council or of the council clerk, or of any officer of the council authorised either generally or specially by resolution of the council, or under the hand of the mayor, before a Local Court according to the provisions of the Act or Acts for the time being in force regulating proceedings on summary convictions and orders. All sums of money ordered by a Local Court to be paid (whether by way of penalty, forfeiture, or otherwise), and all costs and expenses awarded by such a Local Court may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same, and in default of sufficient distress such person shall be liable to be imprisoned for any term not exceeding three months, unless such money costs or expenses be sooner paid, subject, however, to appeal in the manner provided by the Act or Acts for the time being in force regulating appeals from a Local Court.

19 Application of penalties

All sums of money, fines, penalties, and forfeitures imposed and recovered as aforesaid, shall be paid into the corporate fund of the municipality.

20 Proof in certain cases

In any legal proceeding, suit, or prosecution under this Act, or any by-law made hereunder, no proof shall be required of the incorporation of the municipality, or of the due election or appointment of any mayor, alderman, council clerk, officer or servant, or of the authority of such council clerk or officer to institute such suit or prosecution.

21 Governor may grant lands

It shall be lawful for the Governor to grant to the municipality in fee simple such Crown lands within or in the vicinity of the municipality as may be necessary or convenient for all or any of the purposes of this Act, and the effect of such grant shall be to withdraw any lands so granted from any lease or license, or promise thereof, and to cancel to the extent of the lands so granted any dedication or reservation thereof however made.