

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 November, 1922.*

New South Wales.



ANNO TERTIO DECIMO

GEORGII V REGIS.

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Sydney Corporation (Fish Markets).

- Short title. **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.
- Principal Act. (2) The Sydney Corporation Act, 1902, as so amended is herein referred to as the Principal Act.
- Interpretation. **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" includes offering for sale.
 "The Fisheries Acts" means the Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910, or any subsequent Act.
- cf. Fisheries Act, 1902. **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.
- Power to purchase assets of Commonwealth Co-operative Fish Exchange, Limited. **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.
- Accounts. **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.

Sydney Corporation (Fish 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. Fish only to be sold by auction in public markets.

(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) 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. Council not to engage in business of 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. Right of persons licensed to sell under Fisheries Acts.

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— Power to make by-laws.

- (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

Sydney Corporation (Fish Markets).

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) 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.

Sydney Corporation (Fish Markets).

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. ^{Recovery of penalties.}

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.

In the name and on behalf of His Majesty I assent to this Act.

Government House,

Sydney, 29th November, 1922.

W. E. DAVIDSON,

Governor.

Special Corporation (Law Number)

Articles of Incorporation and By-Laws

I, the undersigned, do hereby certify that the following is a true and correct copy of the Articles of Incorporation and By-Laws of the Special Corporation (Law Number) as the same appear in the files of the Secretary of State of this State.

Witness my hand and seal of office this _____ day of _____, 19____.

Notary Public for the State of New York

The undersigned, _____, do hereby certify that the following is a true and correct copy of the Articles of Incorporation and By-Laws of the Special Corporation (Law Number) as the same appear in the files of the Secretary of State of this State.

Witness my hand and seal of office this _____ day of _____, 19____.

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Witness my hand and seal of office this _____ day of _____, 19____.

Notary Public for the State of New York

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 November, 1922, A.M.*

New South Wales.



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GEORGII V REGIS.

Act No. , 1922.

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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:—

Sydney Corporation (Fish Markets).

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. Short title.
- 5 (2) The Sydney Corporation Act, 1902, as amended is herein referred to as the Principal Act. Principal Act.
2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.
- 10 "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. cf. Fisheries Act, 1902.
- 15 "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.
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. Power to purchase assets of Commonwealth Co-operative Fish Exchange, Limited.
- 20 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. Accounts.
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. Power to establish fish markets in the area defined in Schedule.
- 30 (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.
- 35 (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.
- 40

Sydney Corporation (Fish 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.

Fish only to be sold by auction in public markets.

5 (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
10 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
15 liable to a penalty not exceeding fifty pounds.

(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
20 of the council, engage either as principal or agent in the business of buying or selling fish.

Council not to engage in business of 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
25 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.

Right of persons licensed to sell under Fisheries Acts.

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

Power to make by-laws.

- (a) regulating the use, letting, and occupation of any market established by the council under this Act;
- 35 (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
40 such markets, and for providing for and regulating

Sydney Corporation (Fish Markets).

- regulating the storage, removal, treatment, and disposal of garbage, offal, waste, and sewage ;
- 5 (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 ;
- 10 (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 ;
- 15 (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 ;
- 20 (i) generally for carrying into effect the provisions of this Act.
- (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.
- 25 (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 ;
- 30 (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
- 35 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
- 40 have effect.

Sydney Corporation (Fish Markets)..

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. Recovery of penalties.

5

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 **10** 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, **15** Botany Bay, and Port Jackson, generally northerly to the point of commencement.

[7d.]

Sydney: John Spence, Acting Government Printer—1922.

Section 10

10. Any person who is guilty of an offence under this section shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(b) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(c) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

(d) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(e) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding two weeks or to both such fine and imprisonment.

(f) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding five pounds or to imprisonment for a term not exceeding one week or to both such fine and imprisonment.

(g) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding two pounds or to imprisonment for a term not exceeding three days or to both such fine and imprisonment.

(h) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding one pound or to imprisonment for a term not exceeding two days or to both such fine and imprisonment.

(i) Any person who is guilty of an offence under this section shall be liable to a fine not exceeding fifty pence or to imprisonment for a term not exceeding twenty-four hours or to both such fine and imprisonment.