

New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS.

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.]

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

Meat Industry (Amendment).

(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.

Sec. 4,
new subsec.
(5).
(Saving.)

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

(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 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.

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

(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

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

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

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

Meat Industry (Amendment).

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) 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:—

A person who

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

Sec. 9.
(Officers,
etc.)

(b)

Meat Industry (Amendment).

(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.

Sec. 14.
(Powers of
corporation
sole.)

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

Sec. 15.
(Tolls—
correction.)

- (g) by omitting from section fifteen the word "tolls" wherever occurring.

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

- (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.

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

- (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)

Meat Industry (Amendment).

(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 18p after the figures "1902" the words and brackets "(except section twenty-five thereof)"; Sec. 18p.
(Accounts and audit.)
- (k) by omitting section nineteen and by inserting in lieu thereof the following section:— Substituted
sec. 19.

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. Prohibition
of slaughtering.

(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)

Meat Industry (Amendment).

(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 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.

(l) 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

Sec. 20.
(Consents.)
New sec.
20A.

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

Meat Industry (Amendment).

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

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)

Meat Industry (Amendment).

(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 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.

Meat Industry (Amendment).

(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) 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

Meat Industry (Amendment).

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.

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

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

Meat from
outside
New South
Wales.

Sec. 22.
(Inspection
of meat.)

New sec.
26A.

Facilitation
of proof.

Meat Industry (Amendment).

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.
- (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." Sec. 30.
(By-laws.)
- (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;" 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.A.

PART IV.A.

CAPITAL INDEBTEDNESS.

- 25A. (1) The capital indebtedness to the State of the corporation sole in respect of the public abattoirs

Fixation of
capital
indebtedness

Meat Industry (Amendment).

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.

(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 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

Meat Industry (Amendment).

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.

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.

Metro-
politan
Meat Board
Officers'
Endowment
Fund.

(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 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.

(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

Meat Industry (Amendment).

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.

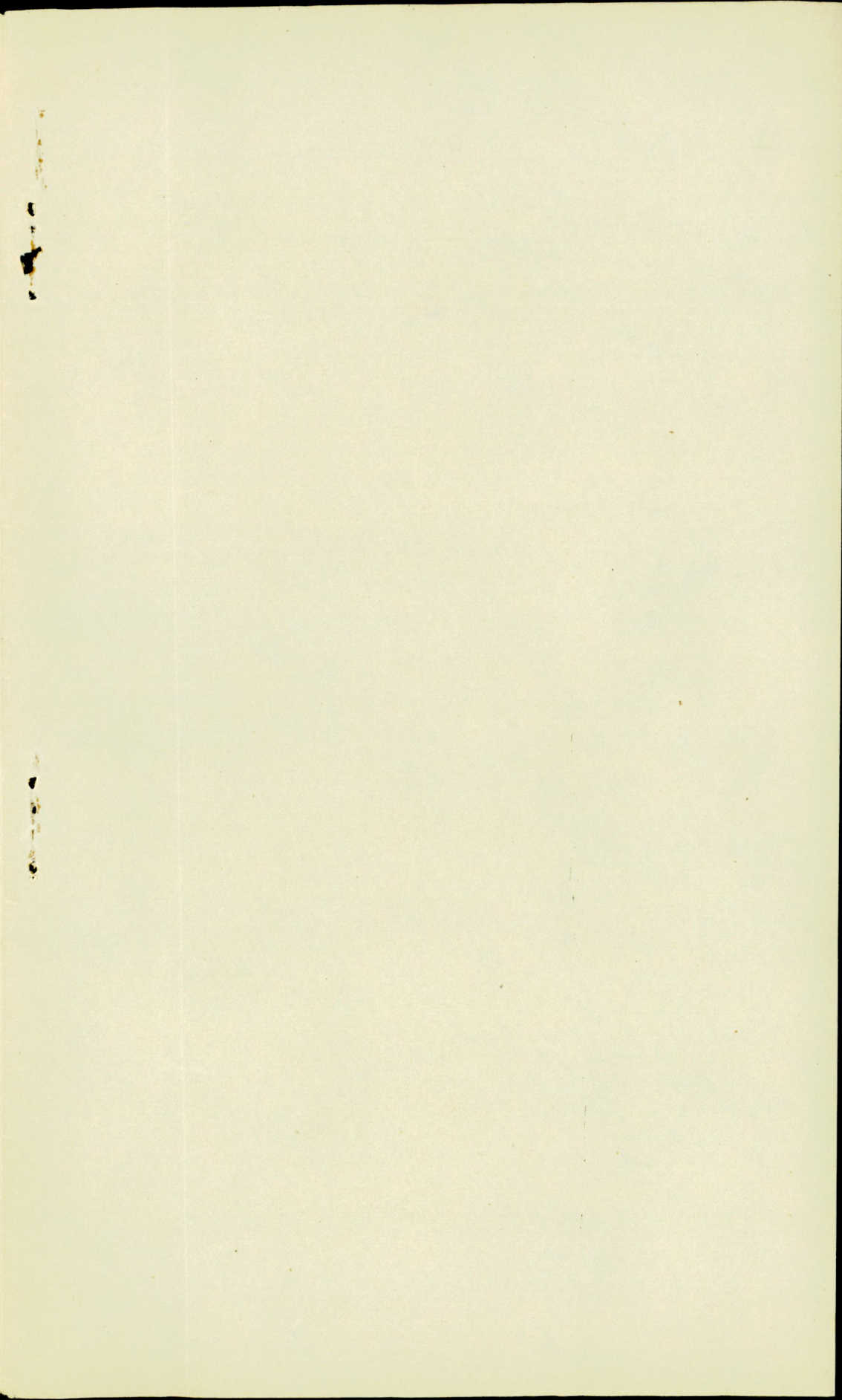
cf. Act No.
5, 1919, s.
14b.

(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.

By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney.—1935.

[6d.]



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. R. McCOURT,

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 December, 1934.*

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

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.]

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

(2)

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

W. W. HEDGES,

Chairman of Committees of the Legislative Assembly.

Meat Industry (Amendment).

(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.

Sec. 4,
new subsec.
(5).
(Saving.)

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

(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 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.

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

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

Sec. 8A.
(Metro-
politan Meat
Industry
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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

Meat Industry (Amendment).

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) 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:—

A person who

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

Sec. 9.
(Officers,
etc.)

(b)

Meat Industry (Amendment).

(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.

Sec. 14.
(Powers of
corporation
sole.)

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

Sec. 15.
(Tolls—
correction.)

- (g) by omitting from section fifteen the word "tolls" wherever occurring.

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

- (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.

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

- (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)

Meat Industry (Amendment).

(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) "; Sec. 18D.
(Accounts and audit.)

(k) by omitting section nineteen and by inserting in lieu thereof the following section:— Substituted
sec. 19.

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. Prohibition
of slaughtering.

(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)

Meat Industry (Amendment).

(c) If the consent of the corporation sole is asked to the slaughtering of any cattle or the dressing of carcasses 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 carcasses 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 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
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clusive right
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(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

Meat Industry (Amendment).

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

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—

New secs.
21A, 21B.

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)

Meat Industry (Amendment).

(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 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)

Meat Industry (Amendment).

(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) 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

Meat Industry (Amendment).

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.

Meat from
outside
New South
Wales.

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.

Penalty: Fifty pounds.

Sec. 22.
(Inspection
of meat.)

- (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 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.

Facilitation
of proof.

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

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

Meat Industry (Amendment).

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.
- (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." Sec. 30.
(By-laws.)
- (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;" 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 IVa.

PART IVa.

CAPITAL INDEBTEDNESS.

- 25a. (1) The capital indebtedness to the State of the corporation sole in respect of the public abattoirs

Fixation of
capital
indebtedness

Meat Industry (Amendment).

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.

(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 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

Meat Industry (Amendment).

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.

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.

Metro-
politan
Meat Board
Officers'
Endowment
Fund.

(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 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.

(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

Meat Industry (Amendment).

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.

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

(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.

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

PHILIP GAME,
Governor.

*Government House,
Sydney, 27th December, 1934.*

MEAT INDUSTRY (AMENDMENT) BILL, 1934.

SCHEDULE of the Amendment referred to in Message of 13th December, 1934.

No. 1.—Page 5, clause 2, lines 1-7 *insert*—

- (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.

No. 2.—Page 5, clause 2, lines 11-31 both inclusive. *Omit* all words on these lines *insert*—

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

Substituted
sec. 19.

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.

Prohibition of
slaughtering.

(b) If the consent of the corporation sole is asked to the slaughtering of any cattle or the dressing of carcasses (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 carcasses 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 carcasses 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 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.

(I) by omitting section twenty.

Sec. 20.
(Consents.)

No. 3.—Page 9, clause 2, line 40. *Omit* "licensed" *insert* "registered."

No. 4.—Page 10, clause 2. *After* line 10 *insert*—

(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.

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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 7 November, 1934.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. K. CHARLTON,
for the Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 13th December, 1934.

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

Act No. , 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.

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

17255 156—

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Meat Industry (Amendment).

(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.

5 **2. The Principal Act is amended—**

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

10 (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 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.

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

20 (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.

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

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

35 (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

Amendment of Act No. 69, 1915.

Sec. 4, new subsec. (5). (Saving.)

Sec. 8A. Subsecs. (4), (4A) and (4B).

(Commissioner's term of office.)

Sec. 8A (9). (Rights of commissioner.)

Sec. 8A. (Metropolitan Meat Industry Commissioner.)

Meat Industry (Amendment).

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.

5 (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.

10 (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.

15 (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.

20 (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.

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

A person who

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

Sec. 9.
(Officers,
etc.)

40 (b)

Meat Industry (Amendment).

- 5 (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.
- 10
- 15 (f) (i) by omitting from paragraph three of section fourteen the words "either on its own behalf or"; Sec. 14. (Powers of corporation sole.)
- 20 (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";
- 25 (g) by omitting from section fifteen the word "tolls" wherever occurring. Sec. 15. (Tolls— correction.)
- (h) (i) by omitting from section eighteen the words "or other property"; Sec. 18. (Power to sell land, etc.)
- 30 (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.
- 35 (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 "; Sec. 18A. (Constitution of Advisory Council.)

(ii)

Meat Industry (Amendment).

(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.

- 5
- (j) by inserting in subsection four of section 18D Sec. 18D.
(Accounts
and audit.) after the figures "1902" the words and brackets "(except section twenty-five thereof)";
- 10
- (k) (i) by omitting from paragraph one of section Sec. 19:
(Slaughter-
ing.) nineteen the words "or at the works of John Cooke and Company, Limited, at Sandown";
- 15
- (ii) by inserting in the same paragraph after the word "hereto" the words "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";
- 20
- (iii) by inserting in the same paragraph immediately before the word "requirements" the word "reasonable";
- 25
- (iv) by omitting paragraph two of the same section;
- (v) by inserting in paragraph three of the same section after the word "sale" where firstly occurring the words "or have in his possession for sale";
- 30
- (k) by omitting section nineteen and by inserting in lieu thereof the following section:— Substituted
sec. 19.
- 35
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. Prohibition of
slaughtering.

(b)

Meat Industry (Amendment).

5 (b) If the consent of the corporation
sole is asked to the slaughtering of any cattle or
the dressing of carcasses (the bona fide property of
the applicant) for human consumption at the works
of the Riverstone Meat Company, Limited, at River-
stone, or at the works of the Sydney Meat Preserv-
ing 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
10 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 corpora-
tion sole as to construction and sanitation, but any
15 such works if registered under the Commerce (Meat
Export) Regulations of the Commonwealth of Aus-
tralia shall, while such registration remains in force,
be deemed to comply with such requirements.

20 (c) If the consent of the corporation
sole is asked to the slaughtering of any cattle or the
dressing of carcasses for human consumption at any
premises within the County of Cumberland, but out-
side the area defined in Schedule III hereto, which
25 were, immediately before the first day of March, one
thousand nine hundred and sixteen, used for the
slaughtering of cattle or the dressing of carcasses 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
30 to such terms and conditions as the corporation sole
may in its absolute discretion determine.

Penalty: One hundred pounds.

35 (2) No person shall, within the metropolitan
abattoir area, except with the consent of the cor-
poration 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 which has been
slaughtered within or brought into such area, other-
40 wise than in accordance with this Act.

Penalty: Fifty pounds.

(3)

Meat Industry (Amendment).

5 (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.
10 (l) (m) (1) by omitting section twenty.

Sec. 20.
(Consents.)
New sec.
20A.

10 (l) (m) by inserting next after section twenty the following new section:—

15 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.

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

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

25 (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.

30 (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.

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

New secs.
21A, 21B.

40 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

Bringing or sending meat into Metropolitan Abattoir Area.

OR

Meat Industry (Amendment).

or meat derived from any animal slaughtered in New South Wales, but outside the Metropolitan Abattoir Area, unless—

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

10 (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.

15 (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.

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

25 (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.

30 (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.

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

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

Meat Industry (Amendment).

(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) Any establishment ~~licensed~~ **registered** under the Commerce (Meat Export) Regulations of the Commonwealth of Australia, and the abattoir established

Meat Industry (Amendment).

5 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 pro-
vided, controlled and managed by a council under
Part XXI of the Local Government Act, 1919,
as amended by subsequent Acts, shall, for the
10 purposes of subsection one of this section, be
deemed to be licensed by the corporation sole.

15 (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 sub-
jects 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
20 apply to any premises so owned or controlled.

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

30 21B. No person shall bring or send or cause or
allow to be brought or sent into the Metropoli-
tan 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.

35 (n) (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";

Sec. 22.
(Inspection
of meat.)

40 (ii) by inserting at the end of the same subsec-
tion the following words "but no such fees
shall be charged in respect of any carcase
or meat brought into the Metropolitan
Abattoir Area, where such carcase or meat

is

Meat Industry (Amendment).

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.

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

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

New sec.
26A.

10 26A. In any proceedings for an offence against this Act—

Facilitation
of proof.

15 (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;

20 (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;

25 (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.

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40 (+) (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."

Sec. 30.
(By-laws.)

Meat Industry (Amendment).

(q) (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;"

Sec. 30.
(By-laws.)

(ii) by omitting from paragraph six of the same subsection the word "tolls";

3. The Principal Act is further amended—

Further amendment of Act No. 69, 1915.

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

New Part IVa.

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PART IVa.

CAPITAL INDEBTEDNESS.

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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

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(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.

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(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,

Meat Industry (Amendment).

thirty-six, and of each succeeding financial year, certify the total expenditure during the 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.

5

(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.

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(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.

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

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

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.

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Metropolitan
Meat Board
Officers'
Endowment
Fund.

(2)

Meat Industry (Amendment).

(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 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.

(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.*

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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 7 November, 1934.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, December, 1934.

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

Act No. , 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.

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 **5** the same, as follows:—

1. (1) This Act may be cited as the "Meat Industry Short Title. (Amendment) Act, 1934," and shall be read and construed with the Meat Industry Act, 1915-1932.

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(2)

Meat Industry (Amendment).

(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.

5 **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). (Saving.)

10 (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 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.

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

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

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

25 (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.

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

Sec. 8A (9). (Rights of commissioner.)

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

Sec. 8A. (Metropolitan Meat Industry Commissioner.)

35 (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

Meat Industry (Amendment).

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.

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(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.

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(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.

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(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.

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(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.

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

Sec. 9.
(Officers,
etc.)

A person who

40

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

(b).

Meat Industry (Amendment).

- (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.)
- (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. Sec. 15.
(Tolls—
correction.)
- (h) (i) by omitting from section eighteen the words "or other property"; Sec. 18.
(Power to
sell land,
etc.)
- (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"; Sec. 18A.
(Constitution
of Advisory
Council.)
- (ii)

Meat Industry (Amendment).

- (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) "; Sec. 18D. (Accounts and audit.)
- (k) (i) by omitting from paragraph one of section nineteen the words "or at the works of John Cooke and Company, Limited, at Sandown"; Sec. 19. (Slaughtering.)
- (ii) by inserting in the same paragraph after the word "hereto" the words "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 carcasses for human consumption, and have since that date been continuously so used";
- (iii) by inserting in the same paragraph immediately before the word "requirements" the word "reasonable";
- (iv) by inserting in the same paragraph after the word "sanitation" the words "but any such works or premises which are 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";
- (v) by omitting paragraph two of the same section;
- (vi) by inserting in paragraph three of the same section after the word "sale" where firstly occurring the words "or have in his possession for sale";
- (l) by omitting from section twenty the words "the corporation sole may in its absolute discretion determine" and by inserting in lieu thereof the words "may be prescribed by the by-laws"; Sec. 20. (Consents.)

Meat Industry (Amendment).

(+) (m) by inserting next after section twenty the following new section:—

New sec.
20A.

5 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 to slaughter cattle and dress carcasses for human consumption.

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

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

15 (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.

20 (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.

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

New secs.
21A, 21B.

30 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.

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

40 (b) such animal has been inspected at the time of slaughter and passed as fit for human consumption

Meat Industry (Amendment).

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.

5 Penalty: Fifty pounds.

10 (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.

15 (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.

20 (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.

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

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

35 (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.

40 (h) Every holder of a license shall comply with the terms and conditions of or attaching

Meat Industry (Amendment).

as amended by subsequent Acts, shall, for the purposes of subsection one of this section, be deemed to be licensed by the corporation sole.

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.

(n) (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";

Sec. 22.
(Inspection
of meat.)

(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 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";

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

New sec.
26A.

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

Facilitation
of proof.

(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

Meat Industry (Amendment).

- 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;
- 5 (c) a certificate purporting to be signed by an inspector that a carcass bears no inspection mark shall be prima facie evidence that such carcass 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.
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- 15 ~~(p)~~ (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." Sec. 30. (By-laws.)
- 20 ~~(q)~~ (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;" Sec. 30. (By-laws.)
- (ii) by omitting from paragraph six of the same subsection the word "tolls";
- 25 3. The Principal Act is further amended—
- Further amendment of Act No. 69, 1915.
- (a) by inserting next after section twenty-five the following new Part:— New Part IVa.
- PART IVa.
- CAPITAL INDEBTEDNESS.
- 30 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
- 35 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)

Meat Industry (Amendment).

5 (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, 10 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 15 authorised to establish, maintain and conduct.

20 (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 financial year out of moneys provided by Parliament for any extension of or 25 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.

30 (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.

35 (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)

Meat Industry (Amendment).

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

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

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.

Metropolitan Meat Board Officers' Endowment Fund.

(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 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.

(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.

(3)

(4)

Meat Industry (Amendment).

(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.

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THE AMERICAN
ASSOCIATION OF THE

DEAF AND DUMB

OF THE UNITED STATES

OF AMERICA

1900

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. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 November, 1934.*

New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS.

Act No. , 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.

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

Meat Industry (Amendment).

(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.

5 **2.** The Principal Act is amended—

- | | | | |
|----|-----|---|---|
| | | | |
| 10 | (a) | by inserting after subsection four of section four the following new subsection:—
(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 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. | Amendment of Act No. 69, 1915.

Sec. 4, new subsec. (5).
(Saving.) |
| 15 | (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. | Sec. 8A. Subsecs. (4), (4A) and (4B).
(Commissioner's term of office.) |
| 25 | | (4B) No person of or above the age of sixty-five years shall be appointed as commissioner. | |
| 30 | (c) | by omitting from paragraph (a) of subsection nine of the same section the words "discontinued or"; | Sec. 8A (9).
(Rights of commissioner.) |
| 35 | (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 | Sec. 8A.
(Metropolitan Meat Industry Commissioner.) |

Meat Industry (Amendment).

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.

5 (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.

10 (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.

15 (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.

25 (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.

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

A person who

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

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(b)

Sec. 9.
(Officers,
etc.)

Meat Industry (Amendment).

- 5 (b) is a member of any firm or a director or
officer of any company, society, associa-
tion, or corporation directly or indirectly
carrying on the business of or having for
its objects the sale of meat (whether as
a carcass butcher or as a retail seller)
or the export of meat, or who receives any
remuneration or fee or any benefit (other-
wise than as a shareholder in a company
10 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
15 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.)
(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";
- 20 (g) by omitting from section fifteen the word
"tolls" wherever occurring. Sec. 15.
(Tolls—
correction.)
- (h) (i) by omitting from section eighteen the words
"or other property"; Sec. 18.
(Power to
sell land,
etc.)
(ii) by inserting at the end of the same section
the following new paragraph:—
30 The corporation sole may sell, transfer
and dispose of any other property vested in
or held or owned by the corporation sole.
- (i) by inserting at the end of paragraph (c) of
subsection three of section 18A the words "or
35 of The New South Wales Meat Exporters Asso-
ciation, or of the Wholesale Meat Traders
Protective Association or by such governing
bodies jointly" Sec. 18A.
(Constitution
of Advisory
Council.)
- 40 (j) by inserting in subsection four of section 18D
after the figures "1902" the words and brackets
"(except section twenty-five thereof)"; Sec. 18D.
(Accounts
and audit.)
- (k)

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- (k) (i) by omitting from paragraph one of section nineteen the words "or at the works of John Cooke and Company, Limited, at Sandown"; Sec. 19. (Slaughtering.)
- 5 (ii) by inserting in the same paragraph after the word "hereto" the words "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 carcasses for human consumption, and have since that date been continuously so used";
- 10 (iii) by inserting in the same paragraph immediately before the word "requirements" the word "reasonable";
- 15 (iv) by omitting paragraph two of the same section;
- (v) by inserting in paragraph three of the same section after the word "sale" where firstly occurring the words "or have in his possession for sale";
- 20 (l) by inserting next after section twenty the following new section:— New sec. 20A.
- 25 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 to slaughter cattle and dress carcasses for human consumption. Power to confer upon corporation sole the exclusive right to slaughter cattle and dress carcasses.
- 30 (2) The Governor may upon the like recommendation, revoke or vary any such proclamation by a further proclamation published in the Gazette.
- 35 (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.
- 40 (4) Notwithstanding anything contained in this Act, the corporation sole shall, while a proclamation

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5 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.

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

New secs.
21A, 21B.

10 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 carcass 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.

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

20 (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.

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

Penalty: Fifty pounds.

30 (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.

35 (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.

40 (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

Meat Industry (Amendment).

the case may be, and shall, unless sooner
revoked, remain in force for a period of one
year.

5 (e) Any license or renewal of a
license may be subject to such terms and condi-
tions as may be prescribed.

10 (f) A license or renewal of a license
shall not be refused except on the ground that
the premises in respect of which the license or
renewal is sought do not comply with the reason-
able requirements prescribed by the corporation
sole as to construction and sanitation.

15 (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 pre-
scribed by the corporation sole as to construction
and sanitation the corporation sole may revoke
the license.

20 (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
25 sanitation of the premises.

Penalty: Fifty pounds.

30 (3) In any prosecution for a contraven-
tion of subsection one of this section the onus of
proof that the carcase or meat has been derived
from an animal slaughtered at premises men-
tioned 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.

35 (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
40 be used in connection therewith.

(5)

Meat Industry (Amendment).

(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) Any establishment licensed 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.

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.

- (n) (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 or meat brought into the Metropolitan Abattoir Area, where such carcase or meat is derived from an animal slaughtered at premises

Sec. 22.
(Inspection
of meat.)

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premises licensed under section 21A of this Act, or deemed to be licensed for the purposes of subsection one of that section.

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

(o) by inserting next after section twenty-six the following new section:-- New sec.
26A.

10 26A. In any proceedings for an offence against this Act— Facilitation
of proof.

15 (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;

20 (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;

25 (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.

35 (p) 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." Sec. 30.
(By-laws.)

(q)

Meat Industry (Amendment).

- (q) (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;"
- (ii) by omitting from paragraph six of the same subsection the word "tolls";

Sec. 30.
(By-laws.)

5

3. The Principal Act is further amended—

Further
amendment of
Act No. 69,
1915.

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

New
Part IVA.

10

PART IVA.

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

15

20

(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.

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(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

Meat Industry (Amendment).

thirty-six, and of each succeeding financial year, certify the total expenditure during the 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.

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.

Metro-
politan
Meat Board
Officers'
Endowment
Fund.

Meat Industry (Amendment).

(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 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.

(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.