



ANNO PRIMO

# GEORGII V REGIS.

A.D. 1910.

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## No. 1009.

An Act to amend "The Metropolitan Abattoirs Act, 1908," and for other purposes.

[Assented to, November 30th, 1910.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited alone as "The Metropolitan Abattoirs Act Amendment Act, 1910," and "The Metropolitan Abattoirs Act, 1908" (hereinafter called "the principal Act"), and this Act may be cited together as "The Metropolitan Abattoirs Acts, 1908 and 1910." Short titles.

**2.** This Act is incorporated with the principal Act, and the principal Act and this Act shall be read together as one Act. Incorporation.

**3.** In this Act the term "the Treasurer" means the Treasurer of the said State or the Minister of the Crown for the time being performing the duties of the said Treasurer. Meaning of "the Treasurer."

**4.** Section 8 of the principal Act is amended by adding thereto the words "but shall not include pickled pork." Section 8 of principal Act amended.  
Meaning of "bacon."

**5.** Subsection (1) of section 10 of the principal Act is amended by inserting the words "or elected" after the word "appointed" in the seventh line thereof. Section 10 amended.  
Representative members.

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Section 15 amended.  
Election of members  
by joint constituent  
Corporations and  
Councils.

Of. Municipal  
Tramways Act, 1906,  
s. 12 (part).

**6.** Subsections (1), (2), (3), and (4) of section 15 of the principal Act are repealed, and the following subsections are substituted therefor:—

(1) In any case when nominations are to be made under subsection (3) of section 14—

(a) The neglect of any Corporation or Council to nominate a candidate shall not invalidate any election :

(b) No Corporation or Council shall nominate more than one candidate :

(c) If only one candidate is nominated, within the time fixed for nominations, by the Corporations and Councils in any of the said groups of joint constituent Corporations and Councils, the candidate so nominated shall be deemed to be elected a member of the Board, and shall be the representative thereon of the said group.

Rules as to elections.

(2) In any case when nominations are to be made under subsection (3) of section 14, if more candidates than one are nominated, within the time fixed for nominations, by the Corporations and Councils in any of the said groups, the following rules shall be observed:—

(a) The Mayor shall, as soon as practicable after the time so fixed, send a notice to each of the constituent Corporations and Councils in the group, in which notice he shall—

i. State the names and addresses of the candidates so nominated ;

ii. Fix a time, not being more than six weeks after the time fixed for nominations, and a place, for the election of a member of the Board to represent the group; and

iii. Appoint a person to act as Returning Officer at such election :

(b) At the time and place fixed by such notice every member of the Council of a Corporation or of a District Council in the said group may attend and vote by ballot for the election of a member of the Board :

(c) The candidates at such election shall be the candidates nominated as aforesaid, and the ballot shall be taken in the manner prescribed :

(d) As soon as practicable after the election, the Returning Officer shall certify in writing to the Mayor the result of the ballot, giving the number of votes cast for each candidate :

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(e) The candidate for whom the highest number of votes is cast at such ballot, or, if an equal number of votes is cast for two or more candidates, that one of the said candidates for whom the Mayor gives his casting vote (which is hereby given to him in all such cases) shall be deemed to be elected a member of the Board, and shall be the representative thereon of the said group.

(3) When the seat of an elective member of the Board has become vacant otherwise than by effluxion of time, the vacancy shall be filled by an extraordinary election by the Councils of the Corporations and the District Councils in the group of joint constituent Corporations and Councils of which such member was the representative; and the new member so elected shall hold office only for the unexpired portion of the term of his predecessor. On the happening of the vacancy the Mayor shall send a notice to each of the said Corporations and Councils informing them of the vacancy and fixing a date, not being less than three weeks after the sending of such notice, for such Corporations and Councils to nominate candidates for the extraordinary election, and thereupon the provisions of subsections (1) and (2) of this section, with any variations which the circumstances of the case may require, shall apply.

Extraordinary elections. ;

(4) As soon as practicable after any person is, under the provisions of this section, elected a member of the Board the Mayor shall, by notice in the *Government Gazette*, declare that such person has been elected as such member; and such notice shall be conclusive evidence of his election and of the validity thereof. Subject to section 16, any person elected under this section to fill a vacancy occurring by effluxion of time shall become a member of the Board on the first day of March next after his election.

Declaration of election.

7. Subsection (5) of section 15 of the principal Act is amended by striking out the words "in manner and within the time hereinbefore provided" in the third and fourth lines thereof, and substituting therefor the following words:—"in the manner hereinbefore provided in that behalf, and within the times fixed for that purpose by section 14 and under this section."

Section 15 further amended.

Appointment by Mayor in default.

8. (1) Section 34 of the principal Act is amended by substituting the words "Two Hundred and Fifty Thousand Pounds" for the words "One Hundred Thousand Pounds" in the ninth line thereof.

Section 34 amended.

Increase of borrowing power of Board.

(2) All contracts entered into by the Board for the borrowing of money or for or in connection with the erection of abattoirs <sup>and</sup> <sub>or</sub> markets for stock since the passing of the principal Act are hereby declared to be as valid and effectual to all intents and for all purposes as if power to borrow money not exceeding the sum of Two Hundred

Validation of contracts.

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Hundred and Fifty Thousand Pounds, instead of One Hundred Thousand Pounds, had been conferred by section 34 of that Act when passed.

The Treasurer may lend money to Board on debentures.

9. (1) The Treasurer is hereby authorised, upon application by the Board, to lend to the Board the whole or any part of the sum of Two Hundred and Fifty Thousand Pounds, which the Board, by virtue of the principal Act, as amended by this Act, is empowered to borrow, at such rate of interest, for such term not exceeding forty-two years, and upon such conditions as are agreed upon between the Treasurer and the Board.

(2) The Board in exchange for the money so lent shall issue debentures in favor of the Treasurer, or as he shall direct, which debentures shall be in such form as agreed upon between the Treasurer and the Board, and coupons in such form as so agreed upon may be annexed to such debentures.

(3) The title to every such debenture and to every coupon (if any) annexed thereto, whether separated or not from the debenture to which it belongs, shall pass by delivery only, without any assignment or endorsement.

(4) Except so far as inconsistent with this Act or anything in any debenture issued to the Treasurer under this section, all the provisions of the principal Act as to debentures, except section 35 thereof, shall apply to the debentures so issued.

Section 40 amended.  
How revenue to be applied.

10. Section 40 of the principal Act is amended as follows:—

- i. By substituting the words "forty-two" for the word "thirty" in the seventh line of subsection (1), subdivision (d) thereof; and
- ii. By repealing subsection (4) and substituting in lieu thereof the following subsection:—

(4) The Board may pay out of borrowed moneys—

(a) Any moneys reimbursed to constituent Corporations and Councils under section 25; and

(b) The interest accruing on such borrowed moneys up to the time when the abattoirs are available for the slaughtering of stock or the markets are available for stock, whichever last happens, and all expenses incurred by the Board for management or otherwise up to that time.

Where debentures payable on terminable annuity principle no separate sinking fund necessary.

11. Notwithstanding anything in section 40 or section 49 of the principal Act, it shall not be necessary to provide or to invest any separate sinking fund in respect of debentures issued by the Board which are payable upon the terminable annuity principle, if the

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the money which would otherwise constitute such fund is paid to the debenture holders on account or in satisfaction (as the case may be) of both principal and interest moneys in terms of such debentures.

**12.** Section 54 of the principal Act is amended as follows:—

**i.** By adding the following proviso to subsection (1) thereof:—

Provided that it shall be lawful for any person to expose for sale and to sell within the metropolitan abattoirs area any carcass, or the meat of any carcass, of any sheep or lamb which has been slaughtered for export at any such exempted slaughterhouse or abattoir, or at premises of the South Australian Government Produce Export Department, and has been rejected, if such carcass has been first inspected and marked by an officer of Customs under the (Commonwealth) Commerce (Trade Descriptions) Act, 1905, or any Act amending or substituted for that Act, and has been subsequently inspected and branded by an inspector of the Board.

Section 54 amended.  
Sheep and lambs slaughtered for export and rejected may be sold in area if carcasses inspected and branded.

No. 16 of 1905  
(Commonwealth).

**ii.** By adding the following two subsections at the end of the said section:—

(8) For the inspection and branding by an inspector of the Board of rejected carcasses as mentioned in the proviso to subsection (1) of this section the owner or occupier or person having the control of an exempted slaughterhouse or abattoir, or of premises of the Government Produce Export Department, shall pay to the Board such fee, not exceeding one-eighth of a penny, for every carcass inspected as the Board demands, or, in all cases where the Minister controlling the Government Produce Export Department and the Board are not satisfied that the sheep or lambs were slaughtered with the *bona fide* intention of exporting the carcasses thereof, such fee per carcass as is from time to time fixed by the Board and approved by the said Minister. The fees so payable shall be paid to the Board upon demand, and may be recovered by action in any Court of competent jurisdiction, or by complaint under the Ordinance No. 6 of 1850, or any Act relating to the duties of Justices of the Peace as to summary proceedings.

Fees for inspection and branding.

(9) No person shall—

(a) Slaughter or permit to be slaughtered at the abattoirs any stock knowing that the carcass thereof is intended to be exported except on the request in writing of the Minister controlling the Government Produce Export Department:

Penalty for slaughtering at abattoirs for export.

(b) Export

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Exporting carcass  
so slaughtered.

(b) Export the carcass of any stock slaughtered at the abattoirs except on the request in writing of the Minister controlling the Government Produce Export Department:

Slaughtering at  
export slaughter-  
house otherwise than  
for export.

(c) Slaughter or permit to be slaughtered at any exempted slaughterhouse or abattoir or at premises of the Government Produce Export Department any stock the carcass of which is not *boná fide* intended for export.

Penalty—First offence, Ten Pounds; second offence, Twenty-five Pounds; and every subsequent offence, Fifty Pounds.

Section 76 amended.  
Certain provision of  
Municipal Corpora-  
tions Act to apply.

**13.** Section 76 of the principal Act is amended by substituting “Sections 300 to 306, both inclusive,” for “Part XII.” in the first line thereof.

Section 80 amended  
to agree with section  
55.

**14.** Section 80 of the principal Act is amended as follows:—

When private  
abattoirs to be closed.

- i. By inserting after the word “District” in the third line the following:—“or after the day specified in the notice given pursuant to section 53 hereof (whichever is the later time)”:
- ii. By inserting after the word “time” in the sixth line the following:—“or day (whichever is the later)”;
- iii. By inserting after the word “shall” in the seventh line the following:—“nor shall any Board of Health.”

Railways Commis-  
sioner empowered to  
convey certain  
surplus railway lands  
to the Board in  
exchange for other  
lands.

**15.** Whereas it has been agreed between the South Australian Railways Commissioner and the Board that, in consideration of the transfer by the Board to the said Commissioner of certain lands hereinafter described, the said Commissioner shall convey to the Board certain lands vested in him, which are also hereinafter described; and whereas doubts have arisen as to the power of the said Commissioner to convey lands which are vested in him: Now it is hereby enacted as follows:—In consideration of the transfer by the Board to the South Australian Railways Commissioner of portions of blocks 4, 5, 41, and 42 of section 97, situated in the Hundred of Yatala, laid out as Montague Farms, comprised in Certificate of Title Volume 840, folio 13, for railway purposes, the said Commissioner is hereby empowered to convey to the Board—

Firstly, that triangular piece of land containing one rood and fifteen perches or thereabouts, being a northerly portion of block 44A of the said section, which is situated on the northerly side of the railway line there and measures on the north-easterly side thereof next land of the Board three hundred and ninety-three links or thereabouts, on the south-westerly side next the railway line four hundred and eleven links or thereabouts,

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thereabouts, and on the north-westerly side next a Government road one hundred and seventy-seven links or thereabouts; and

Secondly, that piece of land containing one acre and twelve perches or thereabouts, being also a northerly portion of the block 44A of the said section, which is situated on the southerly side of the said railway line and measures on the northerly side thereof next the said railway line eight hundred and seventy-two links or thereabouts, on the southerly side next land of the Board one thousand one hundred and thirty-five links or thereabouts, on the north-westerly side next the Government road one hundred and thirteen links or thereabouts, and on the north-easterly side next land of the Board two hundred and fifty-three links or thereabouts;

the said pieces of land being portions of the land comprised in deeds registered in the General Registry Office of the State No. 339, Book 92, and No. 60, Book 160.

**16.** And whereas since the transfer referred to in section 15 by the Board to the South Australian Railways Commissioner a mistake has been made in fixing the northern boundary of the railway land included in the block 42 mentioned in section 15, and the Board has, in consequence, in the erection of the market for stock encroached on the piece of land hereinafter described, being portion of the said block 42; but such encroachment does not interfere with the works of the said Commissioner, and it has been agreed between the said Commissioner and the Board, subject to such agreement being ratified by Parliament, that the Commissioner shall re-transfer to the Board the said piece of land: Now it is hereby enacted as follows:—

Commissioner empowered to re-transfer to Board railway land on which stock market encroaches.

The said Commissioner is hereby empowered to transfer to the Board all that piece of land commencing at the north-east corner of the railway land in block 42 of section 97, Hundred of Yatala, laid out as Montague Farms; thence westerly along the northern boundary of the said railway land for 1,440 links; thence southerly at right angles for 23 links; thence easterly at right angles for 1,433 links to west side of road forming eastern boundary of the said block 42; thence northerly along the said west side of road for 24 links to the point of commencement.

**17.** The Crown shall be bound by this Act and by the principal Act.

Acts to bind the Crown.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.