

No. , 1900.

A BILL

To provide for the construction, establishment, and regulation of municipal abattoirs; to regulate the slaughter of animals, the inspection of animals intended for slaughter, and the inspection, certification, and disposal of carcases; to provide for a record of the brands and descriptions of animals slaughtered; to amend the Acts 5 Wm. IV No. 1 and 7 Vic. No. 2; and for purposes consequent on or incidental to those objects.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

<p>1. This Act shall have effect on and after the of one thousand nine hundred, and may be cited as the "Abattoirs Act, 1900." 41—(7)</p>	<p>day the</p>	<p>Commencement and short title.</p>
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Abattoirs.

2. Section nineteen of the Noxious Trades and Cattle Slaughtering Act, 1894, is hereby repealed, and nothing in Part II of the said Act shall apply to any municipal abattoir. Repeal.

3. Nothing in this Act shall affect the operation of the Act Savings. fourteenth Victoria number thirty-six, or any enactment amending the same; and this Act shall not be deemed to authorise the construction, establishment, or use of any abattoir or the slaughter of any animals in the city of Sydney, or within three miles thereof.

4. In this Act, unless the context otherwise indicates,— Definitions.

“Animal” means animal of a kind commonly used for the food of man.

“Board of Health” means Board incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894.

“Carcase” means carcase of an animal as above defined.

“Council” means council of a municipality.

“Diseased,” as applied to an animal or its carcase, means affected with tuberculosis, anthrax, actinomycosis, or cancer, or with any other disease which the Governor, by notification in the Gazette, may declare to be a disease within the meaning and for the purposes of this Act.

“Inspector” means inspector appointed under this Act.

“Municipal abattoir” means abattoir established under this Act by a council or councils.

“Notification in a local newspaper” means notification in a newspaper circulating in the municipality the council of which has applied for the establishment of the abattoir in respect of which the notification is made.

“Prescribed” means prescribed by this Act or by any regulations made thereunder.

“Treasurer” means Colonial Treasurer.

Establishment of municipal abattoirs.

5. Where a council resolves that it is desirable to establish a municipal abattoir or municipal abattoirs, or where two or more councils resolve that it is desirable that they should join in the establishment of such abattoir or abattoirs, the said council or councils may apply in writing to the Treasurer that the abattoir or abattoirs proposed to be constructed be established under this Act. The Treasurer may refer such application to the Board of Health for report, or he may at any time refuse the application. Applications for establishment of municipal abattoirs.

On the receipt by the Treasurer of the report of such board and of the written consent of the council or councils to the terms of the proposed notification the Governor may notify in the Gazette and in two local newspapers that, on the construction of an abattoir or abattoirs in the manner and subject to the conditions therein set forth, and within the period therein mentioned, such abattoir or abattoirs shall be established.

6. (1) On such notification being made, it shall become the duty of such council or councils to construct an abattoir or abattoirs Construction of municipal abattoirs.
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in the manner and subject to the conditions set forth in the notification, and to complete the same before the expiration of the period named in the notification or any extension of such period notified by the Governor in the Gazette and in two local newspapers. And if the said council or councils, after notice by the Treasurer do not proceed with such works to his satisfaction, it shall be lawful for the Governor to take such steps as he may think fit to complete the said works, and to recover from the said council or councils, as a debt due to Her Majesty, any expenses so incurred, or by notification as aforesaid to rescind or vary any notification made in pursuance of the last preceding section.

(2) On or after the expiration of the said period, the Treasurer, if satisfied that the abattoir has been constructed in accordance with the notification of the Governor, shall so notify in the Gazette and in two local newspapers, and thereupon such abattoir, on and after a day to be named in such notification and until notified as disestablished in pursuance of this Act, shall be a municipal abattoir, and shall be open for use for the slaughter of animals, and for operations in connection therewith, subject to any by-laws and regulations made in pursuance of this Act.

Establishment and use of abattoirs.

7. For the purposes of the construction of, and of making permanent additions or improvements to, a municipal abattoir—

Councils may acquire sites and borrow money.

- (a) a council may acquire any land situate within or outside the boundaries of the municipality as a site for the abattoir, and may borrow money on the security and on the terms and subject to the conditions and limitations mentioned in the Municipalities Act, 1897, in relation to loans for making permanent improvements within the municipality;
- (b) where two or more councils join in applying for the establishment of such abattoir, such councils may jointly acquire any land situate within or outside the boundaries of the municipalities as a site for the abattoir, and may jointly borrow money on their joint or joint and several interests in any land, personal estate, or annual revenues, actual or prospective, on the terms and subject to the conditions and limitations mentioned in the Municipalities Act, 1897, in relation to loans for making permanent improvements within the respective municipalities; and such of the provisions of the said Act relating to loans for permanent improvements as apply to a council shall, so far as possible, apply jointly and severally to councils borrowing money under this section.

8. The Governor may at any time, by notification in the Gazette and in two local newspapers, direct that any municipal abattoir shall, after a day to be named in such notification, be disestablished.

Disestablishment of municipal abattoirs.

Regulation

Abattoirs.

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Regulation of municipal abattoirs.

9. Where two or more councils join in applying for the establishment of a municipal abattoir, such councils may, by agreement among themselves, appoint, before or after such establishment, a committee of their own number, who may make by-laws for and manage and superintend the management of the abattoir. And the acts and omissions of such committee in such management shall be deemed to be the acts and omissions of each of such councils.

Committee of council may manage abattoirs.

10. The inspectors at a municipal abattoir shall be appointed by the council or councils applying for the establishment of the abattoir, or, where the abattoir is under the management of a committee of such councils, shall be appointed by such committee; but the chief or only inspector at any such abattoir shall not be appointed or removed except with the approval of the Governor previously obtained.

Appointment of inspectors.

11. The Governor, before or after the establishment of a municipal abattoir may, on the recommendation of the Board of Health, notify in the Gazette and in two local newspapers that, on and after a day therein mentioned (being on or after the establishing of the abattoir), it shall not be lawful within an area mentioned or described in the notification—

Notification of area for municipal abattoir.

- (a) to slaughter otherwise than in such abattoir for the purpose of any trade or business any animals to be used within such area for the food of man; or
- (b) to expose for sale or sell any carcase for use within such area, as the food of man, unless the same has been marked or distinguished in pursuance of this Act;

and, on the like recommendation and in a like manner, may revoke or alter any such notification.

Any person slaughtering or causing to be slaughtered any animal, or exposing for sale or selling any carcase, in contravention of a notification made under this section shall be liable to a penalty not exceeding pounds.

12. By-laws may be made by any council or councils applying for the establishment of a municipal abattoir, or by any committee appointed as aforesaid—

By-laws made by councils or committees.

- (a) for the leasing of such abattoir or any part of the same;
- (b) for the licensing of persons slaughtering or engaged in operations connected with the slaughter of animals therein;
- (c) fixing the fees for the inspection and slaughter of animals therein, and the inspection, marking, distinguishing, and certification in pursuance of this Act of any carcasses;
- (d) prescribing sanitary rules to be observed in such abattoir, and regulating the disposal of offal and garbage of animals slaughtered therein, and the carcasses of such animals;
- (e) for the keeping of order in, and the general government of, such abattoir; and
- (f) fixing any penalties not exceeding for any breach or neglect of the by-laws.

Provided

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Provided that such by-laws shall not have effect until the abattoir is duly established in pursuance of this Act, and that by-laws made by two or more councils in respect of the same abattoir shall be in identical terms.

All such by-laws shall be forwarded to the Treasurer, and may be referred by the Treasurer to the Board of Health for report. On receipt of the report of the Board of Health, such by-laws may be submitted to the Governor for his approval, and if so approved shall be published in the Gazette, and thereupon, but not sooner or otherwise shall, subject to this Act and to any regulations then made, or thereafter to be made by the Governor in pursuance of this Act, have the force of law. All such by-laws shall be laid before each House of Parliament within fourteen days after publication as aforesaid, if Parliament is then sitting, but if Parliament is not sitting, then within fourteen days after the next meeting of Parliament.

Special inspection in certain slaughter-houses.

13. If any person carrying on the business of slaughtering animals on premises in respect of which he holds a license under Part II of the Noxious Trades and Cattle-slaughtering Act, 1894, agrees to pay into the Treasury to the credit of the Consolidated Revenue Fund the sum of two hundred and fifty pounds annually by four quarterly payments in advance, then during the respective periods for which such payments have been so made a duly qualified inspector shall, in consideration of such payments, be provided by the Treasurer; and such inspector shall examine all animals intended to be slaughtered, and the carcasses of all animals slaughtered on the said premises.

Appointment of inspectors for certain slaughter-houses.

Inspection of animals and marking and certification of carcasses.

14. (1) All animals intended to be slaughtered, and the carcasses of all animals slaughtered at a municipal abattoir or at premises in respect of which an inspector is provided in pursuance of this Act, shall be examined by an inspector.

Examination of animals and carcasses.

(2) If, in the opinion of the inspector making the examination, any such animals are diseased, the said inspector shall cause the animals and the carcasses thereof to be destroyed, and shall cause any other carcasses found to be diseased, unsound, unwholesome, or unfit for the food of man to be disposed of in such manner as may be prescribed.

Unsound animals and carcasses.

(3) Such carcasses as are found on examination as aforesaid to be sound and fit for the food of man shall be marked or distinguished by a seal, impression, or mark in such manner as may be prescribed. And the inspector making the examination may thereupon give a certificate in the form prescribed to the owner of the carcasses or any person appointed by him in that behalf.

Marking of sound carcasses.

14.

15. Any council or councils or committee managing a municipal abattoir on behalf of any councils may, by their inspectors, examine at the abattoir, or at any other place appointed by them in that behalf within the municipality or municipalities of such council or councils, any carcasses of animals slaughtered at some place other than a municipal abattoir, and cause such carcasses to be disposed of or to be marked or distinguished, and such certificates to be given as aforesaid.

Examination of carcasses of animals slaughtered outside a municipal abattoir.

General provisions.

16. The council or committee managing a municipal abattoir and the person carrying on business in premises in respect of which an inspector is provided in pursuance of this Act, shall keep a record in the form prescribed of the brands and descriptions of all animals slaughtered on the said abattoir and premises, which record shall be open to the inspection of any member of the police force or any person appointed by the Treasurer in that behalf. And if such record is not so kept, or is not produced upon request by any member of the police force or person aforesaid, the said council, committee, or person shall be liable to a penalty not exceeding pounds.

Record of brands and description of animals slaughtered.

17. So far as regards the use of municipal abattoirs or of premises in respect of which an inspector is provided in pursuance of this Act the provisions of the Acts fifth William the Fourth number one and seventh Victoria number two shall have no force and effect so far as they relate—

Certain provisions of 5 Wm. IV, No. 1, and 7 Wm. IV, No. 2, not to apply.

- (a) to the giving of notice of animals slaughtered or intended to be slaughtered in the said abattoir or premises ; or
- (b) to the inspection or examination of such animals, and the skins thereof by inspectors appointed under the said Acts, or either of them, and the payment of fees for the said inspection ; or
- (c) to the duties or powers of inspectors appointed as aforesaid in or in connection with the said inspection or examination.

Supplemental.

18. The Governor, upon the recommendation of the Board of Health, may make regulations for carrying out the provisions of this Act, and in particular—

Governor's regulations.

- (a) prescribing the duties and powers of inspectors appointed under this Act ;
- (b) regulating the marking or distinguishing of carcasses, and the granting of certificates in pursuance of this Act ;
- (c)

(c) regulating the destruction of animals, and the disposal of carcasses in pursuance of this Act; and may impose any penalty not exceeding *twenty* pounds for any breach thereof.

Such regulations shall be published in the Gazette, and shall thereupon, if not inconsistent with this Act, have the force of law, and shall be laid before each House of Parliament within one month after publication as aforesaid if Parliament is then sitting, and if not within one month after the next meeting of Parliament.

19. Every person who—

- (a) forges any seal, impression, or mark prescribed for marking or distinguishing the carcasses found on examination to be sound and fit for the food of man; or
- (b) fraudulently affixes or attaches to any carcasses any seal, impression, or mark prescribed as aforesaid, or any seal, impression, or mark so nearly resembling the seal, impression, or mark prescribed as to be calculated to deceive; or
- (c) forges or utters a certificate authorised by this Act to be given; or
- (d) makes, disposes of, or has in his possession, any appliance for the purpose of forging, or of being used for forging any seal, impression, or mark prescribed as aforesaid or a certificate as aforesaid; or
- (e) causes any of the things above in this section mentioned to be done—

Forging or falsely applying seal, impression, or mark, or forging certificate.

shall, unless he proves that he acted without intent to defraud, be guilty of an offence against this section.

(2) Every person who sells, or exposes for sale, or has in his possession for sale or for any purposes of trade any carcasses to which any forged seal, impression, or mark, or to which any seal, impression, or mark so nearly resembling the seal, impression, or mark prescribed as to be calculated to deceive is fraudulently affixed or attached, or on which any genuine mark has been falsely affixed or attached, shall, unless he proves—

Selling carcase to which false seal, impression, or mark is applied.

- (a) that having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the seal, impression, or mark; and
- (b) that on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained the said carcasses; or
- (c) that otherwise he had acted innocently;

be guilty of an offence against this section.

(3) Every person guilty of an offence against this section shall be liable on summary conviction to imprisonment for a period not exceeding *six* months, or to a penalty not exceeding *fifty* pounds, or to both imprisonment and penalty as aforesaid.

Punishment.

20. All penalties imposed by this Act or by any regulations or by-laws made thereunder may be recovered before, and all informations for offences against this Act or any section thereof may be heard and determined in a summary way by a court of petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section, may appeal therefrom.

Recovery of penalties and prosecution of offences.