



ANNO VICESIMO QUARTO

GEORGII V REGIS.

A.D. 1933.

No. 2140.

An Act to provide for the creation of a Board to be known as the Metropolitan and Export Abattoirs Board, to define the powers of the Board, to amend the Metropolitan Abattoirs Acts, 1908 to 1930, and for purposes incidental thereto.

[*Assented to, December 7th, 1933.*]

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

1. (1) This Act may be cited as the “ Metropolitan and Export Abattoirs Act, 1933 ”. Short titles.

(2) The Metropolitan Abattoirs Acts, 1908 to 1930, and this Act may be cited together as the “ Metropolitan and Export Abattoirs Acts, 1908 to 1933 ”.

(3) The Metropolitan Abattoirs Act, 1908, is hereinafter called “ the principal Act ”. No. 957 of 1908

2. This Act is incorporated with the Metropolitan Abattoirs Acts, 1908 to 1930, and those Acts and this Act shall be read as one Act. Incorporation.

3. In this Act, unless the context otherwise requires— Interpretation.

“ Board ” means the Metropolitan and Export Abattoirs Board created by this Act :

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“ Master Butchers Limited ” means the company by that name incorporated under the Companies Act, 1892 :

“ Minister ” means the Minister of Agriculture :

“ Pig Breeders’ Society ” means the Australian Stud Pig Breeders’ Society, South Australian Branch :

“ Stockowners’ Association ” means the Stockowners’ Association of South Australia :

“ Stock Salesmen’s Association ” means the Stock Salesmen’s Association of South Australia.

Establishment of Board.

4. (1) There shall be a Board to be known as the “ Metropolitan and Export Abattoirs Board ”.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall have power under its corporate name to take, hold, and dispose of property of all kinds, and be a party to arbitration and legal proceedings of all kinds.

(3) The Board is hereby charged with the administration of the Metropolitan and Export Abattoirs Acts, 1908 to 1933.

Members of Board.

5. (1) The Board shall consist of a chairman and six members.

(2) The first chairman shall be appointed by the Governor and every subsequent chairman shall be appointed in manner provided by section 6.

(3) Three of the members (in this Act sometimes called “ consumers’ representatives ”) shall be elected by the constituent corporations and councils in accordance with this Act.

(4) The remaining three members (in this Act sometimes called “ industry representatives ”) shall be elected by delegates representing—

(a) the Stockowners’ Association :

(b) the Stock Salesmen’s Association :

(c) the Pig Breeders’ Society :

(d) Master Butchers, Limited :

(e) the butchers carrying on within the Metropolitan Abattoirs Area, as their sole or principal business, the business of selling fresh meat, and who are not members of Master Butchers, Limited :

(f) the persons, not being members of the Stockowners’ Association, who have disposed of any stock through the markets of the Board during the twelve months preceding the appointment of the delegates.

(5) When the seat of any member of the Board becomes vacant by effluxion of time or on the occurrence of a casual vacancy, a person shall be appointed or elected to that seat by the authority or persons who appointed or elected the previous holder of the seat.

6. (1) Whenever

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6. (1) Whenever the chairman has held office for six years or a casual vacancy occurs in the office of chairman, the Board shall forthwith proceed to choose a chairman. If within fourteen days after the expiration of the said period or the occurrence of such a vacancy, the Board fails or neglects to choose a chairman, the Governor shall appoint a chairman. Election of chairman.

(2) The chairman to be so chosen or appointed may be a person who is a member of the Board or who is not such a member. If a member is chosen or appointed as chairman, the seat of such member shall become vacant.

7. (1) There shall be payable by way of remuneration— Remuneration of the Board.

(a) to the chairman of the Board such sum as the Governor fixes :

(b) to every other member of the Board the sum of seventy-eight pounds per annum.

(2) The said sums shall be paid out of the funds of the Board.

8. (1) Except as provided in this and the following sections the chairman and every member of the Board shall hold office for six years, and thereafter until his successor is appointed, but a retiring chairman or member shall be eligible for re-election. Term of office.

(2) One of the consumers' representatives and one of the industry representatives on the first board appointed under this Act shall retire at the end of two years after the establishment of the Board ; and another consumers' representative and another industry representative shall retire at the end of four years after the establishment of the Board. The members so to retire shall be determined by lot. In drawing lots to determine who is to retire at the end of four years from the establishment of the Board, the members elected at the end of two years from that time shall not take part.

(3) The term of the first chairman and members shall be computed from the day when the Board is established, and of every subsequent chairman or member from the last day of the term of his predecessor.

9. (1) The seat of the chairman or any member of the Board shall become vacant if— Casual vacancies.

(a) he becomes insane, or dies, or becomes bankrupt, or executes a deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :

(b) he is convicted for an indictable offence :

(c) he resigns by notice in writing posted or delivered to the Minister :

(d) he absents himself from three consecutive meetings of the Board without leave of the Board.

(2) A

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(2) A member appointed to fill a casual vacancy on the Board shall hold office only for the balance of the term of the member in whose stead he was appointed.

Elections and
returning officers.

10. (1) As soon as practicable after this Act elections shall be held to choose respectively—

- (a) three consumers' representatives :
- (b) three industry representatives.

(2) Elections shall be subsequently held to fill vacancies on the Board—

- (a) within three months prior to the occurrence of a vacancy by effluxion of time :
- (b) as soon as practicable after the occurrence of a casual vacancy.

(3) The Governor shall appoint a returning officer to conduct the first election of members of the Board ; and the Board shall appoint a returning officer to conduct every subsequent election.

Election of
consumers'
representatives.

11. The following provisions shall apply to every election of consumers' representatives or a consumers' representative :—

- (a) The returning officer shall by public notice call for nominations of intending candidates at the election, and shall by the notice fix the form of nomination and the time, being not less than fourteen days after the giving of the notice, within which nominations may be received by the returning officer. The said notice may contain any other particulars concerning nominations which the returning officer thinks fit :
- (b) No person shall be eligible as a candidate at any such election unless he is duly nominated by a constituent council or corporation in writing signed by the clerk thereof ;
- (c) No council or corporation may nominate more than one candidate at any election :
- (d) If no more nominations are received than there are seats to be filled, the persons nominated shall be deemed elected :
- (e) If more nominations are received than there are seats to be filled, the returning officer shall conduct an election by postal ballot papers posted to every councillor entitled to vote :
- (f) Every councillor (including mayors, chairmen, and aldermen) of a constituent council or corporation shall be entitled to vote for not more than the number of consumers' representatives required to be elected :
- (g) A vote shall be recorded by placing a cross substantially within the square on the ballot-paper opposite to the name of the candidate voted for :

(h) The

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- (h) The candidate or the candidates, as the case may be, receiving the highest number of votes shall be elected :
- (i) If the votes for two or more candidates for any seat are equal in number, the returning officer shall have a casting vote.

12. The following provisions shall apply to every appointment of delegates to elect industry representatives or an industry representative :—

Appointment of delegates to elect industry representatives

- (a) The returning officer shall by public notice call upon the bodies and persons hereinafter mentioned, to appoint within three weeks after the giving of the notice, delegates to elect the said representatives or representative :
- (b) The bodies and persons so called upon and the number of delegates to be appointed shall be as follows :—
- (i.) The Council of the Stockowner's Association shall appoint four delegates :
 - (ii.) The Stock Salesmen's Association shall appoint four delegates :
 - (iii.) The Committee of the Pig Breeders' Society shall appoint two delegates :
 - (iv.) The Directors of Master Butchers Limited shall appoint two delegates :
 - (v.) The Minister shall appoint two delegates to represent the butchers who are not members of Master Butchers Limited and who carry on within the Metropolitan Abattoirs Area the business of selling uncooked meat by retail.

Any two or more of the said butchers may nominate a person for appointment by the Minister as a delegate.

If more than two persons are so nominated the Minister shall select and appoint two delegates from the persons so nominated.

If only two persons are so nominated the Minister shall appoint those persons as delegates.

If only one person is so nominated, the Minister shall appoint that person and one other suitable person selected by himself as delegates.

If no persons are so nominated the Minister shall appoint two suitable persons selected by himself as delegates :

(vi.) The

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(vi.) The Minister shall appoint two delegates to represent the persons not being members of the Stockowners' Association, who have disposed of stock through the markets of the Board during the twelve months preceding the appointment :

- (c) When any delegates are appointed, the body or persons by whom they were appointed shall notify the returning officer in writing of the persons so appointed :
- (d) If any delegates are not appointed within the time fixed under paragraph (a) the industry representatives or representative shall be elected by those delegates who are so appointed.

Election of industry representatives by delegates.

13. The following provisions shall apply to every election of any industry representatives or representative :—

- (a) As soon as practicable after the expiration of the time for appointing delegates the returning officer shall fix a time and place for holding a meeting of the delegates to elect the required number of industry representatives, and shall give each delegate not less than fourteen days' notice of the time and place so fixed, and with such notice shall furnish the delegate with a form of nomination :
- (b) No person shall be eligible as a candidate for election unless he is duly nominated, in writing, by at least two delegates and unless the nomination is given to the returning officer at least two clear days before the day of election :
- (c) At the election the voting shall be by ballot, and each voter shall be entitled to vote for not more than the number of industry representatives required to be elected :
- (d) A vote shall be recorded by placing a cross on the ballot paper substantially within the square opposite to the name of each candidate voted for :
- (e) The candidate or candidates, as the case may be, receiving the highest number of votes shall be elected :
- (f) If an equal number of votes is given for two or more candidates for any seat the returning officer shall have a casting vote.

Certificate to Minister of successful candidates and notice in the *Gazette*.

14. (1) The returning officer shall, in writing, certify to the Minister the names of the successful candidates at each election.

(2) The Minister shall publish in the *Gazette* a notice stating the name and address of every person appointed or elected to the Board and the name of the authority or association by whom he was appointed or elected.

(3) The

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(3) The said notice shall be conclusive evidence of the due election or appointment of the person therein named.

15. The Governor may make regulations prescribing any matters relating to nominations and elections and not provided for in this Act. Regulations as to elections.

16. If any election is not duly held within the time fixed by this Act, the Governor may make any appointment necessary to fill any seat on the Board which should have been filled at that election. Default in elections.

17. (1) As soon as the chairman and the members of the first Board have been appointed or elected the Minister shall publish a notice in the *Gazette* declaring that as from the day specified in the notice the Board shall be deemed to be duly established. Establishment of first Board.

(2) As from the day so specified the Board shall be deemed to be duly established.

18. (1) Upon the establishment of the Board—

(a) there shall be transferred to and vested in it all property, funds, rights, powers, liabilities, duties, and obligations of the Metropolitan Abattoirs Board; and

(b) the Metropolitan Abattoirs Board shall cease to exist.

Transfer to Board of certain rights and powers.

(2) The Board shall in substitution for the Metropolitan Abattoirs Board administer the Metropolitan and Export Abattoirs Acts, 1908 to 1933, and shall in all transactions, proceedings, and matters be substituted for the Metropolitan Abattoirs Board.

(3) All enactments, regulations, deeds, instruments, documents, and transactions of any kind in which the Metropolitan Abattoirs Board is mentioned, or to which it is a party, shall be so construed and varied as to give effect to this section.

19. (1) There shall be transferred to and vested in the Board— Transfer of property of Government Produce Department.

(a) for an estate in fee simple, such lands in or near Port Adelaide as the Governor shall by proclamation define, being substantially the sites of the freezing works, slaughterhouses, stockyards, and tallow house managed and maintained by the Government Produce Department, and the fee simple of such other roads and railways near the said lands as are defined by proclamation :

(b) all buildings, plant, implements, and machinery in or upon the said land.

(2) The said transfer and vesting shall take place by virtue of the operation of this Act on the day on which the Board is duly constituted.

(3) The said land, buildings, plant, implements, and machinery shall form part of the abattoirs as defined in the principal Act.

(4) In

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(4) In consideration of the transfer of the said land and other property the Board shall pay to the Treasurer of the State the sum of fifty thousand pounds, together with interest thereon at the rate of four per centum per annum, in forty-two years by equal half-yearly instalments.

(5) To secure the said sum the Board shall issue to the Treasurer debentures charging the undertaking and revenues of the Board with repayment of the said sum, and containing conditions for repayment of the said sum and interest thereon, which conditions shall conform as nearly as possible to the conditions contained in the debentures issued to the Treasurer by the Metropolitan Abattoirs Board under the Metropolitan Abattoirs Acts, 1908 to 1930, but the debentures shall not impose any liability on any constituent corporation or council or any property thereof.

(6) The provisions of section 40 of the principal Act, as amended by this Act, which relate to the establishment of a sinking fund shall apply to the said sum of fifty thousand pounds.

Duty of Board as to fees and charges.

20. The Board shall impose and collect such fees and charges for slaughtering and other services performed by it, as will ensure that it will have sufficient revenue to pay, in addition to all other amounts payable by it, the amounts due under the debentures issued under this Act.

Borrowing powers.

21. In addition to the amounts which the Board is otherwise by law entitled to borrow, the Board may at any time borrow under Part III. of the principal Act for the purpose of extending or altering any works under its control any sum of money, not exceeding the amount for the time being of the Board's sinking fund.

Abolition of liability of constituent councils.

22. No constituent corporation or council shall be liable for any of the debts or liabilities of the Board nor entitled to share in any of its profits or any of the funds or property vested in the Board by this Act.

Extension of Metropolitan Abattoirs Area.

23. (1) The Governor may, at the request of the Board, extend by proclamation the Metropolitan Abattoirs Area so as to include the whole or any parts of the municipality of Glenelg and the municipality of Brighton, with or without the whole or any part of any district or municipality contiguous to either of the said municipalities.

(2) Part VII. of the principal Act, except those provisions thereof which require a request to be made by any municipal corporation or district council, shall apply to any extension under this section.

(3) No compensation shall be payable to any person as a result of the said extension or of any consequence thereof.

24. Notwithstanding

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24. Notwithstanding any provision of the principal Act the Board may permit any person to bring into and sell within the Metropolitan Abattoirs Area any carcasses of, or meat derived from, stock slaughtered at the Port Lincoln Branch of the Government Produce Department: Provided that all such carcasses or meat shall, before the sale thereof within the Metropolitan Abattoirs area be inspected by an inspector approved of by the Board, and certified by him to be free of disease. The Board shall not unreasonably refuse any request for permission as aforesaid.

Power of Board as to carcasses from Port Lincoln.

25. (1) Notwithstanding any provision of the principal Act the Board shall have the sole right within the Metropolitan Abattoirs Area to slaughter stock for export as fresh meat in a chilled or frozen condition.

Sole right of Board to slaughter for export.

(2) Any provision of the principal Act which operates so as to allow any person other than the Board to slaughter stock within the Metropolitan Abattoirs Area for export as fresh meat in a chilled or frozen condition, or any place within the said area other than premises of the Board to be used for that purpose, is hereby repealed to the extent to which it so operates.

(3) The Board shall not slaughter any stock for export except for and on account of and in the manner directed by the Manager of the Government Produce Department.

(4) The Manager of the Government Produce Department shall not procure the slaughter of any stock for export except upon condition that he is appointed by the owner of the stock as agent to arrange for the slaughter, freezing, and shipment thereof, and, where required, to market the meat and by-products, and that he is to be paid an inclusive fee for all these services.

26. The Board may buy and sell stock, carcasses and meat, but shall not sell any meat by retail.

Power of Board to deal in stock.

27. The Board may by public notice fix the maximum number of stock of any kind to be sold on any one day in any market under the control of the Board, and may refuse to receive into any market any stock in excess of the maximum number so fixed for the particular kind of stock.

Maximum number of stock to be sold in one day.

28. (1) At least once in every three years the Minister shall appoint a competent person or persons to investigate and report to him upon the efficiency of the plant, machinery, administration, and operations of the Board. The first investigation shall be made in the last three months of the year nineteen hundred and thirty-four.

Report on efficiency.

(2) The cost of the investigation and report shall be paid by the Board.

(3) The Minister shall lay the report as soon as practicable after the receipt thereof before each House of Parliament.

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*Consequential Amendments of the Metropolitan Abattoirs Act,
1908 to 1930.*

- Amendment of principal Act, s. 3— **29.** The definition of “ Board ” contained in section 3 of the principal Act is repealed and the following definition substituted for it :—
- Definition of “ Board.” “ Board ” means the Metropolitan and Export Abattoirs Board created by the Metropolitan and Abattoirs Act, 1933.
- Repeal of principal Act, ss. 9, 10, 11, 13, 14, 15, and 16. **30.** Sections 9, 10, 11, 13, 14, 15, and 16, of the principal Act are repealed.
- Amendment of principal Act, s. 17. **31.** Section 17 of the principal Act is amended by striking out the word “ *ex officio* ” wherever occurring and inserting in lieu thereof the word “ official ”.
- Amendment of principal Act, s. 34. **32.** Section 34 of the principal Act is amended by striking out the words “ upon the credit of the constituent corporations and councils ”.
- Re-enactment of section 37 of the principal Act— **33.** Section 37 of the principal Act is repealed and the following section enacted in lieu thereof :—
- Provision as to debentures. **37.** The money secured by every debenture issued under the authority of this Act or any Act incorporated therewith and the interest payable thereon shall be a charge on all property and revenue of the Board.
- Re-enactment of section 38 of the principal Act— **34.** Section 38 of the principal Act is repealed and the following section is enacted in lieu thereof :—
- Default in payment under debentures. **38.** If default is made by the Board in the payment of any money due under any debenture, the holder of the debenture may apply to the Supreme Court on summons returnable in the chambers of a Judge for the appointment of a receiver, who when appointed shall have the same power of collecting and obtaining payment of all revenues recoverable by the Board as the Board would have if the receiver had not been appointed.
- Repeal of principal Act, s. 39. **35.** Section 39 of the principal Act is repealed.
- Amendment of principal Act, s. 40. **36.** (1) Paragraphs (d) and (e) of subsection (1) of section 40 are amended so as to read as follows :—
- (d) Fourthly, in establishing a sinking fund which shall be sufficient to repay all moneys borrowed by the Board within forty-two years of the respective dates of the respective borrowings :
- (e) Fifthly, in creating reserve funds for such purposes as the Board thinks proper.

(2) Subsection

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(2) Subsection (2) of section 40 of the principal Act is amended by striking out the words “ and may divide the same as profits as aforesaid ”.

- 37.** Sections 41, 42, and 43 of the principal Act are repealed. Repeal of principal Act, ss. 41, 42, and 43.
- 38.** Section 50 of the principal Act is amended as follows :— Amendment of principal Act, s. 50—
- (a) The words “ but the total amount of such overdraft shall not at any time exceed Five Thousand Pounds ” are struck out : Borrowing on overdraft.
- (b) the words “ and one other member ” after the word “ chairman ” in the penultimate line are struck out and the words “ or two other members ” are substituted.
- 39.** Subsection (9) of section 54 of the principal Act is repealed. Repeal of s. 54 (9) of principal Act.
- 40.** Section 55 of the principal Act is amended— Amendment of principal Act, s. 55.
- (a) by striking out in the twelfth line thereof the words “ for export or ” :
- (b) by adding at the end thereof the words “ or for the purpose of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition ”.
- 41.** Section 80 of the principal Act is amended— Amendment of principal Act, s. 80.
- (a) by striking out in the penultimate line thereof the words “ for export or ” :
- (b) by adding at the end thereof the words “ or for the purpose of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition ”.
- 42.** Sections 5, 6, and 7 of the Metropolitan Abattoirs Act Amendment Act, 1910, are repealed. Repeal of Metropolitan Abattoirs Act Amendment Act, 1910, ss. 5, 6, and 7.
- 43.** Section 15 of the Metropolitan Abattoirs Further Amendment Act, 1911, is amended by inserting after the word “ person ” in the second line thereof the words “ without the consent of the Board ”. Amendment of Metropolitan Abattoirs Further Amendment Act, 1911, s. 15.
- 44.** Section 5 of the Metropolitan Abattoirs Act Further Amendment Act, 1927, is repealed. Repeal of Metropolitan Abattoirs Act Further Amendment Act, 1927, s. 5.

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

A. HORE-RUTHVEN, Governor.