

(Rough Draft for Consideration Only.)

No. , 1910.

A BILL

To provide for the construction, establishment, and maintenance of an abattoir and cattle sale-yards for a certain district in and near Newcastle by a board constituted for that purpose; for the resumption and appropriation of land; to regulate the slaughter of cattle within and the inspection of carcasses brought to such district; to amend the Local Government Act, 1906; and for purposes consequent thereon or incidental thereto.

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:—

Preliminary.

1. This Act may be cited as the "Newcastle District Abattoir Short title.
Act, 1910."

2. In this Act, unless the context otherwise indicates,— Definitions.
"Board" means Newcastle District Abattoir Board as constituted
by this Act.

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- “Cattle” includes all live stock used for the food of man.
- “Diseased” 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.
- “District” means area of land comprised within the municipalities and shires whose names are mentioned in Schedule One.
- “Local newspaper” means newspaper circulating within the district.
- “Prescribed” means prescribed by this Act or by any by-laws made thereunder.

3. The provisions of Part II of the Cattle Slaughtering and ^{Saving.} Diseased Animals and Meat Act, 1902, except sections nine, ten, and eleven thereof, shall not apply to the abattoir established under this Act.

The Board.

4. Within three months from the commencement of this Act, ^{Aldermen of councils within the area to elect board.} and afterwards at the expiration of every three years from the date of the first election, the aldermen and councillors of the councils of the municipalities and shires within the district shall meet and, by ballot, elect from persons resident within the district, a board of five members, to be called the Newcastle District Abattoir Board.

The Governor may, by regulations, prescribe the manner of conducting such first election.

5. (1) The board shall consist of a chairman and four other ^{Constitution of board.} members.

(2) The chairman shall be elected by the members of the ^{Chairman.} board from their own number, and shall hold office until the expiration of his term of office as member of the board, but shall be eligible for re-election.

(3) The term of office of members shall be three years, but ^{Term of office.} any member shall be eligible for re-election.

(4) The board may from their own number appoint a deputy ^{Deputy chairman.} chairman, who shall have the same powers as the chairman during the absence of the chairman from the meetings of the board through illness or any other cause.

6. The mode of resigning office as a member of the board, ^{Details relating to board to be prescribed.} what shall constitute an extraordinary vacancy in the office of any such member, the mode of filling up the same, the places and times of meeting of the board, and all details relating to the board in respect of the election of its members and its chairman and deputy chairman, and the conduct of its business shall be as prescribed.

7. (1) The chairman of the board shall be paid a sum of ^{Fees of board.} fifty-two pounds per annum.

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(2) Each other member of the board shall be entitled to a fee of one pound for every day on which he attends a meeting of the board, provided that no such member shall in any one year receive more than thirty pounds on account of such fees.

(3) Such salary and fees shall be paid out of the Consolidated Revenue Fund.

8. Three members of the board shall constitute a quorum at any such meeting. In the event of the votes being equally divided the chairman shall, in addition to his original vote, have a casting vote. Quorum and vote of chairman.

9. The board shall be a corporate body, with perpetual succession and a common seal, with power to hold real and personal estate, and to sue and be sued, and to take and be the subject of all legal proceedings by the name given to it by this Act. The board to be a corporate body.

Establishment and management of the abattoir and sale-yards.

10. It shall be the duty of the board to construct an abattoir for the slaughter of cattle, and to construct cattle sale-yards attached thereto, and to manage and maintain such abattoir and sale-yards. Board to construct abattoir and cattle sale-yards.

11. (1) For the purpose of providing a site for such abattoir and sale-yards the Governor may, in pursuance of the Public Works Act, 1900, resume and appropriate the lands described in Schedule Two, and for the purpose of such resumption and appropriation, such abattoir and sale-yards shall be deemed an authorised work, and the Colonial Treasurer shall be deemed the Constructing Authority. Resumption of land for site of abattoir and sale-yards.

(2) On the said lands becoming vested in pursuance of the said Act in the Colonial Treasurer, he shall by notification in the Gazette vest them in the board for the purposes of this Act, for an estate in fee-simple, and thereupon such lands shall be so vested. Land to vest in board.

(3) The cost of any such resumption, including all costs, expenses, and interest in respect of the same, up to the date when the lands resumed were vested in the board, shall be principal moneys owing by the board to the Crown, and shall be paid into the Treasury in such instalments and at such times as may be agreed upon between the Colonial Treasurer and the board: Provided that all principal moneys so owing shall be repaid within thirty years after the date when the lands were vested in the board, and that, if no such agreement is made, the repayment shall be made by thirty equal annual instalments. Repayment of cost of resumption.

(4) Interest on any principal moneys so owing shall be paid half-yearly into the Treasury at the rate of three and a half per centum per annum, and shall be carried to the Consolidated Revenue Fund. Interest.

12.

12. For the purposes of the construction of, and the making additions or improvements to, such abattoir and cattle sale-yards, the board may acquire by purchase, lease, grant, or otherwise, and hold land within or in the vicinity of the district. The board may also purchase, construct, maintain, and alter such suitable buildings, yards, plant, machinery, and other works and improvements as may be deemed expedient for the purpose of the establishment and management of such abattoir and sale-yards :

Board may acquire land and erect buildings.

Provided that any land so acquired as a site for any buildings shall previously be approved by the Board of Health.

13. To provide funds for the payment of the cost of acquiring land as aforesaid, and the construction and establishment of such abattoir and cattle sale-yards, or for the redemption of any loan lawfully made by it, the board may borrow money, but so that the amount borrowed and then owing does not at any time exceed twenty thousand pounds, at a rate not exceeding five per centum per annum, from the Government or any person, by debentures, mortgage, or otherwise.

Board may borrow money.

All moneys borrowed by the board shall be a charge upon the rates and revenues of the municipalities and shires within the district and upon the revenues and sinking fund of the board.

14. (1) The board shall in each year make an estimate for the next following twelve months of its proposed expenditure for the maintenance of the abattoir and saleyards, and of the payments of interest and to the sinking fund hereinafter mentioned, and of instalments payable to the Crown for the same period, and of the revenue which will be derived from the said abattoir and saleyards and otherwise accruing to the board, together with a statement of the amount (if any) which it requires should be contributed by the municipalities and shires respectively within the district for making up any estimated deficiency in such revenue, to meet such expenditure and payments, and the time when any such contribution is payable.

Board may levy contribution on municipal councils.

(2) The board shall on or before the last day of February in each year notify such estimate and statement in a local newspaper.

(3) The contribution by each municipality and shire shall be, as nearly as may be, in proportion to its population, and the amount of any such contribution shall be determined by the board, but so as not to exceed an amount which would be equal to one of a penny in the pound on the unimproved capital value of the ratable land in its area.

(4) Any such council may raise the amount of its contribution by a special rate under the Local Government Act, 1906 : Provided that in any poll of ratepayers on a proposal to make such rate, the question shall only be whether the rate shall be on the unimproved or the improved capital value of ratable land within the municipality or shire, and the question shall not be put whether the rate shall be made.

(5)

(5) If any such council makes default in paying the amount of such contribution, the board may, on notifying the council of its default—

- (a) make, levy, and collect the rate in respect of the municipality or shire of such council, and for that purpose shall have the powers of such council ; or
- (b) recover the amount of such contribution from the council as a debt in any court of competent jurisdiction.

15. The board shall each year out of its revenues set apart and carry to the credit of a sinking fund a sum of not less than two per centum of the amounts borrowed by the board, which sum shall be invested in Government securities, and such securities shall be applied to the repayment of such amounts and not otherwise. Board to establish a sinking fund.

16. If, after such sum has been so set apart, and all expenditure necessary for the maintenance of the abattoir and sale-yards has been provided for, and all payments directed by or under this Act have been made, there remains any surplus from the profits accruing from the use of or in connection with such abattoir and cattle sale-yards, the board may distribute such surplus or such part thereof as it thinks fit amongst all the municipalities and shires within the district pro rata according to population. Board may distribute surplus profits among the municipalities and shires.

17. (1) The board, before or after the establishment of the abattoir and cattle sale-yards, may 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 the district to slaughter otherwise than in such abattoir for the purpose of any trade or business any cattle to be used within such area for the food of man ; and, in a like manner, may revoke any such notification. Prohibition of cattle slaughtering otherwise than in abattoir.

(2) If any person slaughters or causes to be slaughtered any cattle in contravention of a notification made under this section he shall be liable to a penalty not less than *twenty* and not exceeding *one hundred* pounds :

(3) Provided that the board may, with the approval of the Board of Health by like notification, exempt any part of the district from the provisions of this section, subject to such conditions as it thinks necessary.

Carcases brought into the district.

18. (1) The carcase or any portion of the carcase of any animal slaughtered outside the district shall not be brought into the district for human consumption within the district, except under the following conditions :— Meat slaughtered outside district and brought in.

- (a) The carcase or portion of the carcase shall be accompanied by a certificate, signed by an inspector of slaughtering duly appointed, that at the time of slaughtering, the said carcase or portion thereof was duly inspected and was free from disease.
- (b)

(b) The person bringing any such carcase or portion thereof into the district shall cause the same to be taken to the abattoir, established under this Act, or to some place appointed by the board for inspection, and shall pay the prescribed fee for such inspection.

(2) Provided that the board may, with the approval of the Board of Health, exempt from all or any of the above provisions any part of the district, subject to such conditions as it thinks necessary.

(3) If any such person fails to comply with the above-mentioned conditions, he shall be liable to a penalty not exceeding pounds.

(4) Any person authorised by the regulations may, in pursuance thereof, destroy any carcase which on inspection appears to be diseased or unwholesome.

General.

19. (1) If the board makes default in the payment of any principal sum borrowed under this Act or of any interest thereon, or in the payment of any instalment or interest payable by the board into the Treasury, the holder of the debenture, mortgage, or other security, or the Colonial Treasurer, as the case may be, may make application to the Supreme Court that a receiver be appointed of the rates and revenues of the municipalities and shires included in the district, and of the revenues and sinking fund of the board. Appointment of receiver on default of board.

(2) Such receiver shall, with respect to each such municipality and shire, have the powers of the council of the same, and shall, with respect to the district, have the powers of the board, and shall further have the powers and be subject to the liabilities of a receiver appointed by the Supreme Court in its equitable jurisdiction. Powers of receiver.

(3) Such receiver shall receive the rates and revenues of the respective municipalities and shires and of the board, and after paying all necessary expenses and disbursements, shall apply the balance in such manner as the Court may direct until the loan or the interest thereon, or the instalments or interest due, as the case may be, are fully paid. Application of moneys collected by receiver.

20. The board shall in the month of _____ in each year, prepare accounts for the last preceding year, showing the receipts and expenditure of the board, and stating the sources of such receipts and the purposes for which such expenditure was made, and shall publish such accounts in a local newspaper. Yearly accounts by board.

21. (1) The board shall appoint inspectors, approved by the Board of Health; any such appointment shall be notified in the Gazette. Board to appoint inspectors.

(2) Such inspectors shall examine the cattle slaughtered or intended to be slaughtered at the abattoir, and shall enter or cause to be entered in a book to be kept for that purpose the colour, marks, brands, Duties of such inspectors.

brands, sex, apparent age, and description of such cattle, together with the name of the owner thereof, and of the time of slaughter. They shall also inspect carcases brought into the district and submitted for inspection under this Act.

(3) The board may appoint such other officers and servants as it may deem expedient for the proper administration of this Act and the by-laws to be made hereunder. Power to appoint officers and servants.

(4) The salaries of such inspectors and of such other officers and servants shall be paid by the board out of its revenues.

23. (1) The board may make by-laws— By-laws.

providing for the construction, erection, maintenance, regulation, management, letting, occupation, and use of the said abattoir and sale-yards, and for regulating and controlling the use of the same, and the conduct of persons using the same or resorting thereto, or slaughtering, buying, selling, or dealing therein ;

preventing and suppressing nuisances, and enforcing cleanliness in and in connection with such abattoir and sale-yards, and providing for and regulating the storage, removal, treatment, and disposal of garbage, manure, offal, refuse, waste, slops, and sewage ;

prescribing how, when, by whom, and under what terms, conditions, and restrictions such abattoir and sale-yards, or any part thereof, may be used and occupied ;

defining the duties and powers of officers and servants appointed by the board ;

providing for the inspection of cattle and meat, and for the seizure and destruction of diseased cattle and diseased or unwholesome meat which may be brought to, or be in, upon, or about, or be exposed or offered for sale in such abattoir or sale-yards ;

prescribing, fixing, levying, and collecting rents, tolls, fees, and charges for the use of or in connection with such abattoir and sale-yards ;

fixing any penalties not exceeding *twenty* pounds for any breach or neglect of the by-laws ;

generally for carrying into effect the purposes and provisions of this Act.

(2) All such by-laws shall be forwarded to the Colonial Secretary, and may be referred by him 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 by him approved shall be published in the *Gazette*, and thereupon, but not sooner or otherwise, shall, subject to 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. By-laws to be approved by Governor.

SCHEDULES.

SCHEDULE ONE.

Newcastle.	Plattsburg.	Carrington.
Wallsend.	New Lambton.	Merewether.
Waratah.	Stockton.	Hamilton.
Wickham.	Lambton.	Adamstown.
Lake Macquarie.		

SCHEDULE TWO.

All those pieces or parcels of land situate at Ironbark Hill, in the suburb of Hexham, parish of Hexham, county of Northumberland, and containing by admeasurement eighty-six acres three roods, be the several dimensions a little more or less; being suburban allotments fifteen, sixteen, seventeen, eighteen, originally granted to T. Adam; suburban allotments fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-six, sixty-seven, and sixty-eight, originally granted to J. Price, and now reputed to be owned by Eveleen Crutch, of West Maitland; suburban allotments nineteen and twenty, originally granted to Rev. R. Blain; suburban allotment twenty-three, originally granted to H. Usher; suburban allotment twenty-five, originally granted to J. Hollinshead; and suburban allotments thirteen and fourteen, and an undedicated reserve, the property of the Crown, and all intersecting streets within the area hereinafter described: Commencing at a point being the intersection of the north-east boundary of the Great Northern Railway with the north boundary of J. B. Weller's one hundred and sixty acres grant; and bounded thence towards the south-west by part of the north-east boundary of said railway north-westerly to Ironbark Creek; thence generally towards the north and north-west by the right bank of that creek downwards to its intersection with the south-west side of the road leading from Newcastle to Maitland; thence generally towards the east by that road southerly to its intersection with the west boundary of J. Platt's two thousand acres grant; thence again towards the east by part of last-named boundary southerly to its intersection with an easterly prolongation of the north boundary of J. B. Weller's one hundred and sixty acres grant aforesaid; and thence towards the south by a north boundary of J. Platt's two thousand acres grant and part of the north boundary of J. B. Weller's one hundred and sixty acres grant westerly, to the point of commencement.