

No. XVII.

An Act for prohibiting the sale, consignment, or exposure for sale of Diseased Animals, and for amending the Law relating to the sale or exposure for sale of Meat which is diseased, or unsound, or unwholesome, or unfit for the food of man; and for empowering the Governor to make Regulations, enforceable by penalties, for the inspection of animals in sale yards, in transit, or upon slaughtering premises, and for the seizure, condemnation, and destruction of Diseased Animals, and of the Meat of Diseased Animals. [16th March, 1892.]

DISEASED ANIMALS
AND MEAT
(No. 3).

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 :—

1. This Act may be cited for all purposes as the "Diseased Animals and Meat Act of 1892," and shall be read and construed cumulatively with, and not as superseding, any Act or enactment now in force relating to the slaughtering of cattle, sheep, or other animals, or regulating the places for slaughtering such animals, or any enactment contained in the "Sydney Corporation Act of 1879" or in any Act amending the same, or any enactment in force in any Municipality or any by-law made pursuant thereto.

2. In this Act, or in any regulations made under this Act, unless the context otherwise requires, the expression :—

"Animal" includes every animal of a kind commonly used for the food of man.

"Board of Health" means the Board of Health, as constituted under the authority of the "Infectious Disease Supervision Act, 1881."

"Court" means any Police or Stipendiary Magistrate, or any two Justices sitting as a Court of Petty Sessions, or assembled at any place other than a place at which Courts of Petty Sessions are authorized to be held.

"Diseased animal" means any animal affected with *Tuberculosis*, *Anthrax*, *Actinomyces*, or *Cancer*, or with any other disease which the Governor, by notification in the *Gazette*, shall have declared to be a disease within the meaning and for the purposes of this Act.

"Governor" means Governor with the advice of the Executive Council.

3. If any person sells or consigns or exposes for sale, or supplies for rations, any diseased animal, he shall be liable to pay a penalty not exceeding twenty pounds for each diseased animal sold, consigned, or exposed for sale, or supplied for rations, by him, and to

Short title, &c.

Interpretation.

Animal.

Board of Health.

Court.

Diseased animal.

Governor.

Penalty on selling, consigning, or exposing for sale diseased animals.

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to pay any expenses incurred in the inspection, seizure, and disposition of such diseased animal, or, in the discretion of the Court, to pay either the penalty or the expenses aforesaid; and the payment of such expenses may be enforced in like manner in all respects as the payment of a penalty under this Act. And any person who offers or consigns for sale or who has in his possession or under his control for sale any such diseased animal, shall for all purposes of this Act be deemed to be a person who exposes such animal for sale.

Increased penalty
in certain cases.

4. Where any person shall be convicted of any offence specified in the last preceding section, and the Court shall be of opinion that the evidence shows that the person so convicted either knew that the animal or animals sold, consigned, or exposed for sale by him was or were diseased within the meaning of this Act, or that, by the exercise of ordinary care or precaution, he might have known that such animal or animals was or were so diseased, the Court shall inflict the maximum penalty on such person provided by the said section, in addition to the payment of such expenses in respect of the inspection, seizure, and disposition of any such diseased animal as the said Court shall order.

Powers of inspection
of animal meat, &c.
Founded on
38 & 39 Vic. cap. 55,
s. 116.

5. Any officer of, or person authorised by, the Board of Health, may, at all reasonable times, inspect and examine any animal, carcase, or meat, sold, consigned, or exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man (the proof that the same was not consigned or exposed or deposited for any such purpose, or was not intended for the food of man, resting on the party charged); and if any such animal, carcase, or meat appears to any such officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry the same away, himself or by an assistant or assistants, in order that it may be dealt with by the Court.

Seizure of diseased
animals.

6. If any such diseased animal be found upon any public highway or place, or upon any public lands, reserves, parks, or other places, it shall be lawful for any such authorised officer or person to seize and take such animal away to be dealt with as provided under clause eight.

Power of Court
to order destruction
of unsound meat, &c.
Ib. s. 117.

7. If it appears to the Court that any carcase, or meat so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, the Court shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food of man; and the person to whom the same belongs, or did belong at the time of consignment or exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every such carcase or piece of meat.

Power of Court to
condemn animal
meat, &c., without
seizure.
59, s. 28.

8. The Court may condemn any animal, carcase, or meat, and order the same to be destroyed or disposed of as in the last preceding section mentioned, if satisfied on complaint being made by any person whosoever that the same is diseased, unsound, unwholesome, or unfit for the food of man, although no seizure thereof shall have been made pursuant to section five of this Act.

Penalty for hinder-
ing officer from
inspecting meat, &c.
Ib. s. 118.

9. Any person who prevents or obstructs any such authorized officer or person from or when entering or being on any premises for the purpose of inspecting any animal, carcase, or meat consigned or exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such officer or any assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

Power of officers to
search.
Ib. s. 119.

10. On and after the passing of this Act any duly authorised officer shall have power to enter any building or part of a building in which such officer has reason to believe that there is kept or concealed any

King to Ocean Street Cable Tramway.

any animal, carcase, or meat which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal, carcase, or meat, in order to have the same dealt with under the provisions of this Act. Any person who obstructs any such officer or person in the performance of his duty shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

11. It shall be lawful for the Governor, on the recommendation Regulations. of the Board of Health, to make regulations to come into force either throughout the Colony or in any specified part of the Colony, for the inspection of animals in sale-yards, in transit, or upon slaughtering premises, and for the seizure, condemnation, and destruction of diseased animals, and of the meat of diseased animals, and to enforce penalties for the breach of any such regulation, not exceeding in any one case fifty pounds, and with or without a minimum limit, and in the case of continuing penalties not exceeding twenty pounds for every day during which any breach or default is continued. And such regulations shall be published in the *Gazette*, and shall come into force upon the publication thereof, or at such time after such publication as shall be therein named.

12. All proceedings for the recovery of any penalty or sum of money, or for the prosecution of any offence under this Act, or any regulation made under this Act, may be had and taken, in a summary way, before any Stipendiary or Police Magistrate, or any two Justices of the Peace, and the provisions of the "Justices Act of 1850," and any Acts amending the same, shall apply to all such proceedings: Provided that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the District where the adjudication was had, or nearest thereto. And such appeal, and the parties thereto, shall be governed by the provisions regulating appeals contained in the "Criminal Law Amendment Act of 1883," and in any Act amending the same: Provided also that the proceeds of any penalty recovered under this Act on the complaint of any officer of a municipality shall be paid over to and form part of the General Municipal Fund of such municipality. Summary jurisdiction and appeal.