

MEAT INDUSTRY (AMENDMENT) ACT.

Act No. 43, 1964.

Elizabeth II, An Act to enable the Department of Agriculture to undertake, in certain circumstances, responsibility for the inspection of meat at certain abattoirs established in local government areas or county districts; to extend the powers of the Metropolitan Meat Industry Board relating to borrowing and in certain other respects; for these and other purposes to amend the Meat Industry Act, 1915, and certain other Acts; and for purposes connected therewith. [Assented to, 27th November, 1964.]

BE

Meat Industry (Amendment) Act.

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BE it enacted by the Queen's Most Excellent Majesty, by No. 43, 1964
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. (1) This Act may be cited as the "Meat Industry Short title
(Amendment) Act, 1964". and citation.

(2) The Meat Industry Act, 1915, as amended by
subsequent Acts, is in this Act referred to as the Principal
Act.

(3) The Principal Act, as amended by this Act, may
be cited as the Meat Industry Act, 1915-1964.

2. The Principal Act is amended—

Amendment
of Act No.
69, 1915.

(a) by omitting from the definition of "Inspector" in Sec. 7.
section seven the words "the said section" and by (Defini-
tions.)
inserting in lieu thereof the words "that section
or section 9B of this Act";

(b) by inserting next after section 9A the following new New sec.
9B.
section:—

9B. (1) The Minister may, at the request of a Assumption
of council's
meat
inspection
powers,
etc., by
Department
of Agricul-
ture.
council or county council within the meaning of
the Local Government Act, 1919, as amended
by subsequent Acts, agree that the Department
of Agriculture shall, on and from a day to be
specified in a notice in writing informing the council
or county council of his agreement to its request,
exercise and perform the council's or county
council's powers, authorities, duties and functions
under the provisions of any Act, regulation or
ordinance in relation to—

(a) the inspection of—

(i) animals slaughtered or intended to
be slaughtered at the premises speci-
fied in the notice that are within the
area or district of the council or
county

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county council and are licensed or deemed to be licensed under section 21A of this Act; and

- (ii) any carcase or part of a carcase, and any sausages, saveloys or other smallgoods (to be used as the food of man) brought or sent to the premises specified in the notice in accordance with those provisions;

(b) the fixing and charging of fees for making inspections referred to in paragraph (a) of this subsection.

(2) The day specified in any such notice is, in relation to the premises specified in the notice, referred to in this section as the appointed day.

(3) On and from the appointed day, the powers, authorities, duties and functions referred to in subsection one of this section shall cease to be exercised and performed by the council or county council concerned and shall be exercised and performed by the Department of Agriculture.

(4) For the purposes of any Act, regulation or ordinance under which any powers, authorities, duties or functions referred to in subsection one of this section are conferred or imposed on a council or county council, a person appointed under section 9A of this Act to be an inspector and carrying out the duties of an inspector at any premises specified in a notice under subsection one of this section shall be deemed to be an inspector appointed under that Act, regulation or ordinance by the council or county council in whose area or district the premises are situated.

(5) Where, immediately before the appointed day, the council of an area or the county council of a district employed a servant, who was
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an inspector within the meaning of the Cattle No. 43, 1964
Slaughtering and Diseased Animals and Meat Act,
1902, as amended by subsequent Acts, and whose
duties ordinarily were, or included, the carrying out
of any inspections of a kind referred to in paragraph
(a) of subsection one of this section, that servant
shall, on and from that day, cease to be a servant
of that council or county council and become and
be an employee of the Public Service and, except
as otherwise provided in this section, shall be
subject to the provisions of the Public Service Act,
1902, as amended by subsequent Acts.

(6) A person who ceases to be a servant of
a council or county council and becomes an
employee of the Public Service by virtue of this
section shall—

- (a) be paid salary or wages at a rate not less
than the rate which was payable to him, as
such a servant immediately before the
appointed day, subject to any adjustment
necessary to give effect to any fluctuations
in the basic wage for adult males from time
to time applicable by virtue of the pro-
visions of the Industrial Arbitration Act,
1940, as amended by subsequent Acts, until
such salary or wages is or are varied or
altered under the provisions of the Public
Service Act, 1902, as amended by subse-
quent Acts, or by an award or industrial
agreement made or filed under the said
Industrial Arbitration Act;
- (b) be entitled to any recreation and sick leave
accrued to him as such a servant but not
taken at the appointed day; and
- (c) have and enjoy rights and privileges with
regard to extended leave not less favourable
than those applicable to him as such a
servant immediately before he became
such

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such an employee and for the purpose of his entitlement under this paragraph his continuous service with the council or county council concerned immediately before the appointed day shall be deemed to be service in the Public Service.

(7) Except as provided by this section, where any condition of employment of any person who has become an employee of the Public Service by virtue of this section was regulated by any award or industrial agreement made or filed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and applicable to him as a servant of the council or county council concerned and does not conflict with any provisions contained in the Public Service Act, 1902, as amended by subsequent Acts, or the regulations made thereunder, such condition shall continue to apply to him until it is regulated by an agreement or determination made under the Public Service Act, 1902, as amended by subsequent Acts, or by an award or industrial agreement so made or filed.

Where any dispute arises whether an award or industrial agreement regulating any such condition conflicts with any provisions contained in the said Public Service Act or the regulations thereunder, the said Act or regulations, as the case may be, shall prevail.

(8) Any person who has become an employee of the Public Service by virtue of this section and who was, immediately before the appointed day, a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927-1959, applied may, by writing under his hand addressed to the State Superannuation Board constituted under the Superannuation Act, 1916, as amended

amended by subsequent Acts, and delivered or forwarded by post so as to be received in the office of that Board not later than three months after he became such an employee, elect to become a contributor to the State Superannuation Fund constituted under that Act, as so amended. No. 43, 1964

(9) Any person making the election referred to in subsection eight of this section shall be deemed to be an employee within the meaning and for the purposes of the Superannuation Act, 1916, as amended by subsequent Acts, and to have become a contributor to the State Superannuation Fund on and from the appointed day and shall—

- (a) on and from the appointed day, cease to be a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927-1959, applies; and
- (b) be entitled to exercise whatever rights and to have and enjoy whatever benefits under the Local Government and Other Authorities (Superannuation) Act, 1927-1959, that he would have been entitled to exercise or have and enjoy if he had resigned from the service of the council or county council concerned on the appointed day.

(10) Where a person who was entitled to make the election referred to in subsection eight of this section does not do so in accordance with that subsection, he shall continue to be a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927-1959, applies and shall be entitled to receive any amount or benefit which he would have been entitled to receive under that Act had he continued in the service of the council or county council concerned.

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For the purposes of this paragraph service in the Public Service after the appointed day shall be deemed to be service with the council or county council concerned.

(11) A person who has become an employee of the Public Service by virtue of this section shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

(12) The provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall apply to a person referred to in subsection ten of this section while he continues to be an employee of the Public Service, and for the purposes of such application any reference in that Act, as so amended, to a council shall be construed as a reference to any Department of the Government in which that person is employed after the appointed day.

(13) In this section "Area" and "District" have the meanings ascribed thereto by section four and section five hundred and sixty, respectively, of the Local Government Act, 1919, as amended by subsequent Acts.

Sec. 21A.
(Bringing
or sending
meat into
Metro-
politan
Abattoir
Area.)

- (c) (i) by omitting from subsection one of section 21A the words "a city, municipality or shire" and by inserting in lieu thereof the words "an area or a district";
- (ii) by omitting from the same subsection the words "such city, municipality or shire" and by inserting in lieu thereof the words "such area or the county council of such district";
- (iii) by inserting in the same subsection after the word "subsection," the words "or by an inspector carrying out any such inspection at any premises specified in a notice under subsection one of section 9B of this Act,";
- (iv)

(iv) by inserting in the same subsection after the word "accordingly." the following new paragraph :—

In this subsection "Area" and "District" have the meanings ascribed thereto by section four and section five hundred and sixty, respectively, of the Local Government Act, 1919, as amended by subsequent Acts.

3. The Principal Act is further amended by inserting next after section 14A the following new sections :—

Further amendment of Act No. 69, 1915. New secs. 14B-14I.

14B. The Board may from time to time with the concurrence of the Treasurer and the approval of the Governor borrow money for—

Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

14C. (1) The Board shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Board.

Reserves for repayment.

(2) The Board shall during each year transfer to each such fund from the revenue of the Board a sum not less than the sum that the Board in its application for approval of the loan intimated that it proposed to transfer as aforesaid.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the net proceeds of

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of the sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender.

(4) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Board, or in any securities guaranteed by the Government of the said State, or in debentures or securities issued by the Sydney County Council or the Sydney City Council, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price. Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made. All moneys paid into the reserve fund for loan repayment in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(5) Where the Board decides to cancel debentures, bonds, inscribed stock or other prescribed securities of the Board purchased from the reserve for repayment of the loan for which they were issued, then, in addition to the sum otherwise payable to the reserve for loan repayment in respect of that loan, the Board shall, subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to such reserve, pay to such reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(6)

(6) If after a loan has been repaid, there ^{No. 43, 1964} remains in the reserve for repayment of that loan any balance, such balance shall form part of the funds of the Board.

(7) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for the loan in respect of which the reserve was created.

(8) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

14D. (1) For securing repayment of the principal ^{Debentures,} and interest on any money borrowed the Board may as ^{etc.} provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether separated therefrom or not shall be transferable by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Board in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall both as regards the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, as amended by subsequent Acts, contained in the Second Schedule to that Act. The regulations may provide for the exemption from stamp duty of any other prescribed security.

(5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Board of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable.

(6)

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(6) The due repayment of the debentures, bonds, stock and the interest thereon and of any loan in respect of which any other prescribed security is issued and the interest thereon shall be a charge upon the income and revenue of the Board from whatever source arising and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of moneys provided by Parliament. Such charge shall not prejudice or affect the power of the Board to sell or convey any property vested in it free of any such charge.

**Raising
loan
in any
country.**

14E. (1) Notwithstanding anything contained in this Part any money which the Board is authorised to borrow may be borrowed by a loan raised wholly or in part in such country as the Governor may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where such loan is raised and the Board may establish and conduct in such country registries relating to the securities issued in respect of such loan.

(3) The Board may in respect of any such loan agree that a sinking fund shall be established and controlled at such place, by such person and in such manner as may be found necessary or expedient in the circumstances of the case and, where any such sinking fund is so established, the provisions of section 14C of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Board may enter into such agreements as the Board shall think fit with respect to the form of such debentures, bonds, stock or other securities, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures.

debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and such agreements may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Board shall think fit.

Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(5) The Governor may upon the recommendation of the Board appoint two or more persons to enter into for and on behalf of the Board all such agreements as the Board is by this section authorised to enter into and to sign, execute, or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act, and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Board and the principal moneys and interest secured thereby shall be a charge upon the income and revenue of the Board from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority

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authority of this section and bearing the signatures of such persons shall be deemed to have been lawfully made or issued by the Board, and if the same shall purport to have been sealed by such persons to have been lawfully executed by the Board under seal.

A holder of any such debenture, bond, stock or other security shall not be bound to enquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and applicable to such loan and the securities issued in connection therewith the provisions of this Part other than subsection one of section 14D and subsections three and four of section 14G of this Act shall apply, mutatis mutandis, to and in respect of such loan and such securities.

Trustees.

14F. (1) Any trustee unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the Board, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925, or any Act amending or replacing that Act.

(2) Any debenture issued or stock inscribed by the Board shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act of Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied or constructive, shall be received by the Board or by any officer of the Board in relation to any debenture or coupon issued or stock inscribed by the Board.

**Lost
debentures.**

14G. (1) If any debenture or bond issued by the Board is lost or destroyed or defaced before the same has been paid, the Board may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof.

(2)

(2) The new debenture or bond with interest No. 43, 1964 coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) When the debenture or bond is lost or destroyed the new debenture or bond shall not be issued unless and until—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;
- (b) such advertisement as the judge may direct has been published;
- (c) six months have elapsed since the publication of the last of the advertisements; and
- (d) sufficient security has been given to the Board to indemnify it against any double payment if the missing debenture or bond be at any time thereafter presented for payment.

(4) When the debenture or bond is defaced the new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Board for cancellation.

(5) The provisions of this section shall, mutatis mutandis, extend to the case of a lost, destroyed, or defaced coupon.

(6) In case of the loss, theft, destruction, mutilation or defacement of any debenture or bond issued under section 14E of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Board of such loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the
Board

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Board receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection
of invest-
ments.

14H. (1) A person advancing money to the Board shall not be bound to enquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Board shall, in favour of a lender and of any holder of a security given by the Board, be conclusive evidence that all conditions precedent to the borrowing have been complied with, and where the approval notified is to the borrowing by the Board in a country outside New South Wales and in a particular currency shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the country and in the currency specified in the notification.

Debentures
and bonds to
rank pari
passu.

14I. All debentures, bonds, stock, or other securities which are secured upon the income and revenue of the Board shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

Further
amendment
of Act No.
69, 1915.

4. (1) The Principal Act is further amended—

Sec. 9A.
(Appoint-
ment of
inspectors.)

(a) by inserting at the end of subparagraph (ii) of paragraph (d) of subsection three of section 9A the words "or, if he has not become so entitled before the expiration of the period hereinafter mentioned in this subparagraph, upon the expiration of such period of service in the Public Service under this section as together with his service with the Board before the commencement of this section, being service after he became a contributor to the Metropolitan Meat Industry Board Officers' Endowment Fund, amounts to ten years";

(b)

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- (b) by inserting at the end of paragraph two of section No. 43, 1964 fourteen the words "or for preserving, chilling or freezing any perishable food;"
- Sec. 14.
(Powers of Board.)
- (c) by inserting at the end of section 14A the following new subsection :—
- Sec. 14A.
(Power to borrow by way of overdraft.)
- (2) The Treasurer may advance such moneys to the Board as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon.
- (d) (i) by inserting in subsection three of section twenty-one after the word "pursuance" the words "of subsection two";
- Sec. 21.
(Inspection of cattle.)
- (ii) by inserting at the end of the same section the following new subsection :—
- (4) Any officer authorised in that behalf by the Board and approved by the Minister may, whether or not the owner consents, seize, slaughter and destroy any animal found on any land or premises of the Board in such a condition that it is, in the opinion of that officer, cruel to keep that animal alive. No compensation shall be recoverable against an officer or the Board in respect of any animal destroyed in pursuance of this subsection.
- (e) by omitting from subsection six of section 21A the words ", and the abattoir established under the Newcastle District Abattoir and Sale Yards Act, 1912, as amended by subsequent Acts, and any abattoir established under the Broken Hill Abattoirs Markets and Cattle Sale-yards Act, and any abattoir provided, controlled and managed by a council under Part XXI of the Local Government Act, 1919, as amended by subsequent Acts,"
- Sec. 21A.
(Bringing or sending meat into Metropolitan Abattoir Area.)
- (f)

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Sec. 22G.
(Unlawful
branding.)

(f) by inserting at the end of section 22G the following new subsection :—

(3) This section shall apply to any area in respect of which a proclamation issued under section 22D of this Act is in force as well as to the Metropolitan Abattoir Area.

Sec. 30.
(By-laws.)

(g) by inserting next after paragraph six of subsection one of section thirty the following new paragraph :—

(6A) providing for the fixing, levying and collecting of a charge where—

(i) an order for the slaughter of animals has been cancelled, or such an order has been altered by reducing the number of any class of animals to be slaughtered pursuant to the order; and

(ii) the order was so cancelled or altered less than eight hours before the commencement of the day specified in the order for the slaughtering to take place,

but so that the charge shall not exceed one-half of the amount that would have been payable to the Board for the slaughter of the animals specified in the order had those animals been slaughtered on that day.

Sec. 31.
(Regulations.)

(h) by inserting next after paragraph (b) of subsection one of section thirty-one the following new paragraph :—

(b1) carrying out or giving effect to the provisions of section 14C or 14D of this Act.

(2)

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(2) Where—

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- (a) a person became an employee of the Public Service by virtue of subsection two of section 9A of the Meat Industry Act, 1915, as amended by subsequent Acts;
- (b) that person became an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, by virtue of paragraph (d) of subsection three of the said section 9A; and
- (c) before the commencement of this Act, that person ceased to be employed in the Public Service,

that person shall, if he makes application therefor within three months after the commencement of this Act or within such longer period as the Minister may allow, be entitled to a refund of his contributions to the Metropolitan Meat Industry Board Officers' Endowment Fund to the same extent and in the like circumstances as he would have been entitled to such a refund had the amendment made by paragraph (a) of subsection one of this section been in force at the time he ceased to be employed in the Public Service.

(3) Paragraph (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
