

No. XXI.

An Act to regulate the carrying on of Noxious Trades, and the Slaughtering of Cattle; to incorporate the Board of Health; and for other purposes. [23rd May, 1894.]

NOXIOUS TRADES
AND CATTLE-
SLAUGHTERING.

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:—

PART I.

REGULATION OF NOXIOUS TRADES.

Scope of Part I.

1. Except as in the next section provided, Part I of this Act shall have effect in the county of Cumberland on and after the first day of July, one thousand eight hundred and ninety-four. And it shall have effect in any other parts of the Colony of New South Wales to which the Governor may, on the recommendation of the Board of Health, by Proclamation in the *Gazette*, declare that its provisions are extended, and on and after the day named in the proclamation: Provided that the Governor may, on the recommendation and in the manner aforesaid, revoke or vary any declaration made under this section. Local scope of Part I.

2. The Governor, on the recommendation of the Board of Health may, after the passing of this Act, declare, by proclamation in the *Gazette*, that any trade, business, or manufacture therein named is a noxious trade within the meaning of this Act, and may, by proclamation as aforesaid, revoke or vary any declaration made under this section. And the Board shall forthwith furnish to the local authorities hereinafter mentioned a copy of every declaration made under this section. Governor to declare what are noxious trades.

Local Authorities.

3. Subject to the provisions hereinafter contained, Part I of this Act shall be administered by the following local authorities— Local authorities for administration of Part I.

- (I) Within the boundaries of the city of Sydney, the Municipal Council of that city.
- (II) Within the limits of any other municipality or portion thereof, the council of that municipality.
- (III) In any place where there is no municipality, the senior police officer of the police district in which that place is situate.

And in each case the area within which a municipal council or police officer has authority as aforesaid shall constitute a district for the purposes of Part I of this Act.

4. It shall be the duty of every local authority within its district— Duties of local authorities.

- (I) To keep a register of the name and address of every person carrying on, or about to carry on, a noxious trade, and of the premises used or to be used by that person in carrying on that trade, and such other particulars as may be prescribed; and, with the approval of the Board in that behalf previously obtained,

Noxious Trades and Cattle-slaughtering.

obtained, to issue annual licenses in the form and in the manner to be prescribed upon payment of the fees to be prescribed.

- (II) To strike from the register the name and address of every person who has ceased to carry on a noxious trade.
- (III) To keep the register open at all reasonable times for inspection by the Board or its officers, and to furnish any extracts from the same that the Board may require.
- (IV) By itself or its officers, to inspect at the times prescribed all premises registered under Part I of this Act, and the material, machinery, appliances, and utensils therein used, and to enter on the register the date and result of every inspection.
- (V) To furnish to the Board in the month of July of each year a report of its proceedings under this Act during the last preceding twelve months, in such form as may be prescribed.
- (VI) To carry out any regulations in force under this Act, and any instructions issued by the Board dealing with noxious trades.

Powers of local authorities.

5. The local authority shall, within its district, have the following powers in addition to any other powers conferred by Part I of this Act or by any regulations made under this Act dealing with noxious trades, namely—

- (I) To enter or authorise the entry at any time into or upon and to inspect any premises used or reasonably suspected of being used in carrying on any noxious trade.
- (II) To require, by notice in writing, any person carrying on a noxious trade to place and maintain his premises in a sanitary condition.
- (III) To refuse or cancel the registration of any person in respect of any premises which are on an unsuitable site or in an insanitary condition or in, on, or about which the provisions of Part I of this Act or any regulation made thereunder dealing with noxious trades are not carried out.

Board of Health.

Powers of officers and Board.

6. Any officer of the Board of Health, and any person duly authorised by the Board in that behalf, may, at any time, exercise the rights of entry and inspection conferred on the local authority by the two last preceding sections.

The Board may also exercise any of the powers and perform any of the duties which a local authority may exercise or perform under Part I of this Act; and anything done by a local authority inconsistent with any power exercised or duty performed by the Board under this section shall be void and inoperative.

Board may require local authority to exercise powers or perform duties.

7. The Board may require a local authority to exercise any power conferred or perform any duty imposed on it by Part I of this Act, and within a time to be limited by the Board in that behalf; and in case the said requirement be neglected or disobeyed by the said authority, the Board may exercise the power or perform the duty, and recover in an action of debt in any Court of competent jurisdiction against the said authority the expenses thereby incurred.

Carrying on of Noxious Trades.

Application to local authority for registration; renewal of registration.

8. (I) Every person, before commencing to carry on a noxious trade in a district within which Part I of this Act is then in force, shall apply in writing to the local authority of that district to enter on the register the particulars mentioned in subsection one of section four of this Act.

Where

Noxious Trades and Cattle-slaughtering.

Where a person, on the day when Part I of this Act comes into force in a district, is carrying on a trade, business, or manufacture then declared to be a noxious trade, he shall within three months after the said day apply as aforesaid to be registered.

Where a trade, business, or manufacture carried on by a person in a district is afterwards declared to be a noxious trade, the said person shall, within three months after the day when the said trade, business, or manufacture has been declared to be a noxious trade, apply as aforesaid to be registered.

The application shall in each case be accompanied by the payment to the local authority of such fees as may be prescribed.

(II) The application to register shall be renewed yearly, on or before the first day of July in each year, and shall be accompanied by the prescribed annual fee. And immediate notice shall be given by the person carrying on any noxious trade of any change in the particulars above mentioned.

9. Any person who within a district carries on a noxious trade in or on any premises or uses any premises in carrying on that trade without being then registered in respect of those premises, or without being the holder of a license under this Act in respect of those premises, shall be liable to a penalty not exceeding twenty-five pounds for each day during which he carries on the said trade or uses those premises as aforesaid. Carrying on trade without registration.

PART II.

REGULATION OF CATTLE SLAUGHTERING.

Local scope of Part II.

10. Except where in this Act otherwise provided, Part II of this Act shall have effect on and after the first day of September, one thousand eight hundred and ninety-four, in all parts of the Colony not being within the city of Sydney, or within three miles from the said city: Provided that the Board shall have the powers hereinafter specified in respect of an abattoir established under the Act fourteenth Victoria number thirty-six. Commencement and operation of Part II.

Local Authorities.

11. Subject to the provisions hereinafter contained, Part II of this Act shall be administered by the following local authorities— Local authorities for administration of Part II.

(I) Within the limits of any municipality or portion thereof, the council of that municipality.

(II) In any place where there is no municipality, the senior police officer of the police district in which that place is situate.

And in each case the area within which a municipal council or police officer has authority as aforesaid shall constitute a district for the purposes of Part II of this Act: Provided that during the time that an abattoir, established by a council or councils of any municipality or municipalities under the provisions of this Act, is used as a public slaughter-house, the Board of Health shall be the local authority within the district or districts included in the said municipality or municipalities.

12. It shall be the duty of every local authority within its district— Duties of local authorities.

(I) To keep a register of the name and address of every person using or about to use or build premises as a slaughter-house, and

Noxious Trades and Cattle-slaughtering.

and of the said premises, and such other particulars as may be prescribed ; and, on being satisfied that the requirements of this Act and of the regulations made thereunder relating to the slaughtering of cattle have been fulfilled, to issue annual licenses in the form and in the manner to be prescribed, upon payment of the fees to be prescribed.

- (II) To strike from the register the name and address of every person who has ceased to use premises as a slaughter-house.
- (III) To keep the register open at all reasonable times for inspection by the Board and its officers, and to furnish any extracts from the same that the Board may require.
- (IV) By itself or its officers to inspect at the times prescribed all premises registered as slaughter-houses, and all utensils and appliances, and the carcasses, blood, offal, garbage, and material therein and thereon, for the purpose of enforcing the provisions of this Act and any regulations made thereunder as to the slaughtering of cattle, and to enter on the register the result of every inspection.
- (V) To furnish to the Board in the month of July of each year a report of its proceedings under Part II of this Act during the last preceding twelve months, in such form as may be prescribed.

Powers of local
authorities.

13. The local authority shall, for the purpose of regulating the slaughtering of cattle within its district, have the following powers in addition to any other powers conferred by this Act or by any regulation made thereunder, namely :—

- (I) To enter or authorise the entry at any time into or upon any premises used, or reasonably suspected of being used as a slaughter-house, and inspect the same, and the utensils and appliances, carcasses, blood, offal, garbage, and material therein and thereon.
- (II) To require, by notice in writing, any person using premises as a slaughter-house to place and maintain those premises in a sanitary condition.
- (III) To refuse or cancel the registration of any person in respect of any premises which are on an unsuitable site or in an insanitary condition, or in, on, or about which the provisions of Part II of this Act, or of any regulation made thereunder dealing with the slaughtering of cattle, are not carried out.

Board of Health.

Powers of officers and
Board.

14. Any officer of the Board of Health, and any person authorised by the Board in that behalf may, at any time, exercise the rights of entry and inspection conferred on the local authority by the two last preceding sections.

The Board may also exercise any of the powers and perform any of the duties which a local authority may exercise or perform under Part II of this Act ; and anything done by a local authority inconsistent with any power exercised or duty performed by the Board under this section shall be void and inoperative.

Board to have
certain powers in all
districts.

15. The Board may require a local authority to exercise any power conferred or perform any duty imposed on it by Part II of this Act, and within a time to be limited by the Board in that behalf ; and in case the said requirement be neglected or disobeyed by the said authority, the Board may exercise the power or perform the duty, and recover in an action of debt in any Court of competent jurisdiction against the said authority the expenses thereby incurred.

Noxious Trades and Cattle-slaughtering.

16. On the passing of this Act the Board shall, for the purpose of regulating the slaughtering of cattle in any abattoir established under the Act fourteen Victoria number thirty-six, have the control of the said abattoir, and shall be the authority for administering the said Act; and for that purpose the powers and authorities vested by the said Act in the Governor shall be vested in and may be exercised by the Board.

Power of Board over
Sydney Abattoir.

Use of Premises as Slaughter-houses.

17. (I) Every person before commencing to build or use any premises in any district as a slaughter-house shall make an application in writing to the local authority of that district to enter on the register the particulars mentioned in section twelve, subsection (I), of this Act accompanied by a description as prescribed of the site proposed and of the buildings intended to be erected.

Application for registra-
tion : renewal of
registration.

Where a person, on the day when Part II of this Act comes into force is using premises in any district as a slaughter-house, he shall, within three months after the said day, apply as aforesaid to be registered.

The application shall in each case be accompanied by the payment to the local authority of such fees as may be prescribed.

(II) The application to register shall be renewed yearly, on or before the first day of July in each year, and shall be accompanied by the prescribed annual fee. And immediate notice shall be given by the person using any premises as a slaughter-house of any change in the particulars above mentioned.

18. Any person who within a district, and for the purposes of any trade, business, or manufacture, keeps premises (not being an abattoir established under the authority of this Act) as a slaughter-house without being then registered, or without being the holder of a license under Part II of this Act in respect of those premises, shall be liable to a penalty not exceeding twenty pounds.

Using premises
without registration.

Abattoirs.

19. (I) The Council of a Municipality, either alone or jointly with the Council of any other adjoining Municipality or Municipalities may, with the approval of the Board first obtained, establish in any district included in the said Municipality or Municipalities an abattoir to be used as a public slaughter-house.

Abattoirs.

(II) After the establishment as aforesaid and during the use of an abattoir it shall not be lawful within the district or districts included in the said municipality or municipalities to slaughter any cattle for the purpose of any trade or business, to be used within the said district or districts for the food of man, otherwise than in the abattoir.

(III) The provisions of Part II of this Act shall apply to abattoirs, and shall within the said district or districts be administered by the Board.

Noxious Trades and Cattle-slaughtering.

PART III.

GENERAL PROVISIONS.

Incorporation of Board of Health.

Incorporation of Board.

20. (I) The Board of Health appointed or to be appointed under the Infectious Diseases Supervision Act of 1881 shall on and after the passing of this Act be a body corporate under that name, and shall have perpetual succession and a common seal. And all courts, judges, justices, and persons acting judicially shall take judicial notice of the common seal of the board when affixed to any document, and shall presume that the seal was duly affixed.

(II) The Board of Health, as incorporated by this Act, shall have all the powers that the Board or the members of the Board had, and shall be subject to all the liabilities to which the Board was subject prior to the passing of this Act.

Miscellaneous and Repeal.

Application of fees and penalties.

21. All fees payable to, and all penalties recovered by or under the authority of a Municipal Council, shall be paid to that Council, and shall be applied to the same purposes as the City rate, in the case of the Municipal Council of Sydney, and as the general rates in the case of any other Municipal Council. In every other case the fees and penalties shall form part of the Consolidated Revenue Fund, and shall be applied accordingly.

Regulations by Governor.

22. The Governor, upon the recommendation of the Board of Health, may make regulations respecting registration, the granting of licenses, the fees to be paid, the inspection of registered and unregistered premises, the disposal of offal and garbage, the sanitary rules to be observed and the appliances to be used in the carrying on of noxious trades and the slaughtering of cattle under Parts I and II of this Act, and the fees and charges to be made in abattoirs, and generally for carrying out the provisions of this Act; and by those regulations may impose any penalty not exceeding twenty pounds for any breach thereof. All regulations shall be published in the *Gazette*, and shall thereupon, if not inconsistent with this or any other Act, have the force of law; and shall be laid on the table of each House of Parliament without delay.

Obstructing persons in discharge of duty.

23. Whosoever hinders or obstructs any person in the discharge of a duty imposed on him by or under any authority conferred by this Act or by any regulations made thereunder shall be liable to a penalty not exceeding ten pounds.

Penalties for contravention of this Act.

24. Any person who refuses or neglects to do any of the things which he is required by this Act to do, or is guilty of a breach of any of the provisions of this Act, or refuses or neglects to carry out any of the lawful requirements of the Board or of a local authority, shall, in addition to any liability to a cancellation of any registration under this Act, be liable to a penalty not exceeding twenty pounds for each offence.

Penalties, how recovered.

25. All penalties imposed by this Act, or by any regulations made under its authority, may be recovered before a police or stipendiary magistrate, or any two Justices of the Peace in Petty Sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section, may appeal therefrom in the manner provided by the Act fifth William Fourth number twenty-two.

Noxious Trades and Cattle-slaughtering.

26. In this Act or any regulation made thereunder—
- “The Governor” means the Governor with the advice of the Executive Council.
- “The Board” means the Board of Health.
- “Cattle” includes sheep, lambs, pigs and goats, and bovine cattle.
- “District” in matters dealt with under Parts I and II of this Act means District constituted by or under the authority of those parts respectively.
- “Noxious trade” means any trade, business, or manufacture declared by the Governor to be a noxious trade.
- “Premises” includes any building, land, ship, vessel, or place.
- “Prescribed” means prescribed by regulations to be made under the authority of this Act.
- “Slaughter-house” includes any premises used in connection with the slaughtering of cattle.

Definitions.

27. On and after the first day of July, one thousand eight hundred and ninety-four, so much of the Sydney Corporation Act of 1879 as authorises the Council of that corporation to make by-laws for the suppression of nuisances, or for keeping all premises in the city free from offensive and unwholesome matter, or for the regulation or suppression of any trade causing a nuisance, or which is in any way offensive or noisome, in so far as it includes or refers to the carrying on of any noxious trade, shall be repealed; and any by-laws dealing with any of the above-mentioned matters shall be void and shall stand repealed on that day.

Repeal: Sydney Corporation Act of 1879; Municipalities Act of 1867.

On and after the day on which the provisions of Part I of this Act have effect in any district, the power of the Council of any Municipality under the authority of the Municipalities Act of 1867 to make by-laws for suppressing nuisances, and for restraining noisome and offensive trades, in so far as it includes or refers to the carrying on of any noxious trade within that district, shall be repealed; and any by-laws in force on that day within that district dealing with any of the matters above-mentioned shall be void, and shall stand repealed on that day.

On and after the first day of September, one thousand eight hundred and ninety-four, the power of the Council of any Municipality under the authority of the Municipalities Act of 1867 to make by-laws regulating the killing of cattle and the establishment and locality of slaughter-houses and abattoirs shall be repealed; and any by-laws in force on that day dealing with any of the matters above-mentioned shall be void, and shall stand repealed on that day.

28. On and after the first day of September, one thousand eight hundred and ninety-four, sections one, two, three, fourteen, and fifteen of the Act fifth William Fourth number one, and the whole of the Act fourteenth Victoria number thirty, shall be repealed. And any reference in the unrepealed portions of the first-mentioned Act to “licensed premises,” so far as those portions regulate the slaughtering of cattle and matters incidental thereto, shall be taken to refer to premises in respect of which a license has issued under this Act.

Repeal: 5 Wm. IV No. 1 and 14 Vic. No. 30.

29. This Act may be cited as the “Noxious Trades and Cattle-slaughtering Act, 1894.”

Short title.