



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 100 of 1976

An Act to amend the South Australian Meat Corporation Act, 1936-1974; to repeal the Port Lincoln Abattoirs Act, 1937; and for other purposes.

[Assented to 16th December, 1976]

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

Short titles.

1. (1) This Act may be cited as the "South Australian Meat Corporation Act Amendment Act, 1976".

(2) The South Australian Meat Corporation Act, 1936-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Meat Corporation Act, 1936-1976".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 2—
Division.

3. Section 2 of the principal Act is amended by inserting immediately after the passage "PART IV—Abattoirs: sections 68-93" the passage "PART IVA—Port Lincoln Abattoirs: sections 93a-93j".

Amendment of
principal Act,
s. 3—
Interpretation.

4. Section 3 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "abattoirs" and inserting in lieu thereof the following definition:—

"abattoirs" means the abattoirs erected and established pursuant to Part IV of this Act;

(b) by inserting in the definition of "meat" in subsection (1) immediately after the passage "metropolitan abattoirs area" the passage "or the Port Lincoln abattoirs area";

(c) by inserting in subsection (1) immediately after the definition of "municipality" the following definitions:—

"Port Lincoln abattoirs" means the abattoirs erected and established pursuant to the repealed Port Lincoln Abattoirs Act or Part IVA of this Act:

"Port Lincoln abattoirs area" means the area comprised in the Hundred of Lincoln.

and

(d) by inserting in subsection (1) immediately after the definition of "the Corporation" the following definition:—

"the repealed Port Lincoln Abattoirs Act" means the Port Lincoln Abattoirs Act, 1937, repealed by section 93a of this Act:.

5. Section 6 of the principal Act is amended by inserting immediately after the passage "metropolitan abattoirs area" the passage "and the Port Lincoln abattoirs area".

Amendment of principal Act, s. 6—
Area in which Act applies.

6. Section 41 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "two auditors" and inserting in lieu thereof the passage "an auditor";

Amendment of principal Act, s. 41—
Appointment of auditor.

and

(b) by striking out from subsection (4) the word "auditors" and inserting in lieu thereof the word "auditor".

7. Section 43 of the principal Act is amended—

(a) by striking out from subsection (1) the word "auditors" and inserting in lieu thereof the word "auditor";

Amendment of principal Act, s. 43—
Accounts of Corporation.

and

(b) by striking out from subsection (2) the word "auditors" and inserting in lieu thereof the word "auditor".

8. Section 44 of the principal Act is amended—

(a) by striking out the word "auditors" and inserting in lieu thereof the word "auditor";

Amendment of principal Act, s. 44—
Auditor's duties.

(b) by striking out the word "their", firstly occurring, and inserting in lieu thereof the word "his";

(c) by striking out the word "them" and inserting in lieu thereof the word "him";

and

(d) by striking out the passage "their successors" and inserting in lieu thereof the passage "his successor".

9. Section 45 of the principal Act is amended by striking out from subsection (1) the word "auditors" and inserting in lieu thereof the word "auditor".

Amendment of principal Act, s. 45—
Balance-sheet to be laid before the Parliament and printed for distribution.

Amendment of
principal Act,
s. 52a—
Licensing of
export meat
works.

10. Section 52a of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) This section shall not apply to or in relation to the Corporation in its operation of the Port Lincoln abattoirs.

Amendment of
principal Act,
s. 78—
Power of
Minister as to
carcasses from
Port Lincoln.

11. Section 78 of the principal Act is amended by striking out the passage “Port Lincoln Branch of the Government Produce Department” and inserting in lieu thereof the passage “Port Lincoln abattoirs.”

Enactment of
Part IVA of
principal Act—

12. The following Part and heading thereto are enacted and inserted in the principal Act immediately after section 93 thereof:—

PART IVA

PORT LINCOLN ABATTOIRS

Repeal of
Port Lincoln
Abattoirs Act.

93a. The Port Lincoln Abattoirs Act, 1937, is hereby repealed.

Transfer of
Port Lincoln
Abattoirs to
the
Corporation.

93b. (1) The land comprised in Certificate of Title Register Book:

Volume 1779 Folio 32

Volume 1989 Folio 85

Volume 2156 Folio 147

Volume 2416 Folio 181

Volume 2459 Folio 187

Volume 2687 Folio 186

Volume 3417 Folio 146

is hereby vested in the Corporation for an estate in fee simple subject to any mortgage or encumbrance existing immediately before this vesting.

(2) The Registrar-General shall, upon proof to his satisfaction that land is vested in the Corporation in pursuance of this section, and upon production of the duplicate certificates of title (if any) relating to the land, issue such new certificates of title or make such entries and notations upon existing certificates of title as may be necessary to evidence the vesting of the land in the Corporation.

(3) All personal property, rights, powers, duties and liabilities vested immediately before the commencement of the South Australian Meat Corporation Act Amendment Act, 1976, in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act are, subject to this Act, on that commencement hereby transferred to and vested in the Corporation.

(4) Any proceedings commenced by or against the Minister of Agriculture or the State in relation to the property, rights, powers, duties or liabilities vested in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act and not finally disposed of on the commencement of the South Australian Meat Corporation Act Amendment Act, 1976, may be continued and completed by or against the Corporation.

(5) A reference to the Minister of Agriculture, the Crown in right of the State or the State in relation to the property, rights, powers, duties or liabilities vested in the Minister of Agriculture or the Crown in right of the State pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act in any Act, regulation, rule, by-law, order of a court, instrument, agreement or document of any kind shall be read, where the context admits, as a reference to the Corporation.

(6) Any permit granted by the Minister of Agriculture or any other person under section 10 of the repealed Port Lincoln Abattoirs Act shall, on and after the commencement of the South Australian Meat Corporation Act Amendment Act, 1976, continue in force and effect for the period for which it was granted and subject to the terms and conditions contained in the permit.

93c. (1) This section applies to any person who was immediately before the commencement of the South Australian Meat Corporation Act Amendment Act, 1976, employed under the Public Service Act, 1967-1975, and engaged in the performance of duties or functions pursuant to or for the purposes of the repealed Port Lincoln Abattoirs Act.

Option for public servants at Port Lincoln abattoirs to transfer to Corporation.

(2) The Corporation may, during the period of twelve months next following the commencement of the South Australian Meat Corporation Act Amendment Act, 1976, with the approval of the Minister controlling the department of the Public Service of the State in which any person to whom this section applies is employed, upon terms mutually arranged, make use of the services of that person for any purpose related to the performance of the functions of the Corporation under this Act.

(3) A person whose services are being made use of by the Corporation under subsection (2) of this section may during the period of twelve months referred to in that subsection elect to become an employee of the Corporation.

(4) Upon the transfer of any person to the employment of the Corporation pursuant to subsection (3) of this section—

(a) the salary and status of that person shall not be reduced;

and

(b) the existing and accruing rights of that person in respect of recreation leave, sick leave and long service leave shall continue in effect.

Port Lincoln
abattoirs.

93d. The Corporation may—

(a) erect, establish, maintain or operate abattoirs either within or outside the Port Lincoln abattoirs area;

and

(b) for the purposes of such abattoirs make, establish or erect all such buildings, works, cold storage plant, machinery, fixtures, fittings or other works or plant as the Corporation considers necessary and may from time to time alter, remove or extend the same.

Separate taxing
of Port Lincoln
abattoirs land.

93e. Notwithstanding the provisions of any other Act, in determining the liability of the Corporation to pay tax under any Act in respect of the land held by the Corporation, the taxable value of the land held by the Corporation for or in connection with the Port Lincoln abattoirs shall not be aggregated with the taxable value of other land held by the Corporation.

Restrictions
relating to
slaughtering
and sale of
meat within
Port Lincoln
abattoirs area.

93f. (1) Except as provided by the regulations under this Act or by a permit granted under this Part or under the repealed Port Lincoln Abattoirs Act, while the Port Lincoln abattoirs are available for slaughtering stock for consumption within the Port Lincoln abattoirs area—

(a) no person other than the Corporation or its servants shall within the Port Lincoln abattoirs area, elsewhere than at the Port Lincoln abattoirs, slaughter or allow or cause to be slaughtered any stock for sale, or dress or allow or cause to be dressed any carcass for sale;

and

(b) no person shall within the Port Lincoln abattoirs area sell or expose for sale or allow or cause to be sold or exposed for sale any carcass or meat not slaughtered at the Port Lincoln abattoirs.

Penalty: Two hundred dollars.

(2) No person shall be guilty of an offence against subsection (1) of this section in respect of any meat or carcass which he proves to the satisfaction of the court was not sold or intended to be used for human consumption.

Time when
Port Lincoln
abattoirs
available.

93g. (1) For the purposes of this Part the Port Lincoln abattoirs shall be deemed to be available for slaughtering stock for consumption within the Port Lincoln abattoirs area at all times except times during which the Corporation by public notice declares the Port Lincoln abattoirs to be closed to the slaughtering of stock.

(2) In this section “public notice” means notice by advertisement in the *Government Gazette* and in a newspaper circulating in Port Lincoln.

Private
abattoirs not
to be licensed.

93h. (1) Subject to subsection (2) of this section, no council or board of health shall licence any slaughter-house within the Port Lincoln abattoirs area.

(2) This section shall not apply to any slaughter-house or abattoirs used or intended to be used only—

(a) for curing bacon and ham;

or

(b) for the purpose of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition.

93i. (1) The Minister or any person authorized by him in writing to grant permits under this section may, on application duly made and payment of the prescribed fee, grant any person a permit authorizing him— Permits.

(a) to bring into the Port Lincoln abattoirs area any carcass or meat specified in the permit;

or

(b) to slaughter within the Port Lincoln abattoirs area elsewhere than at the Port Lincoln abattoirs any stock for the production of any carcass or meat;

and

(c) to sell and expose for sale within the Port Lincoln abattoirs area any carcass or meat so brought in or produced by such slaughter.

(2) Every permit granted under subsection (1) of this section shall be for such period and contain such terms and conditions as the Minister determines.

(3) If any person contravenes any term or condition of a permit granted under this section or under the repealed Port Lincoln Abattoirs Act he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

13. Section 119 of the principal Act is amended by inserting immediately after the word "abattoirs" the passage "and the Port Lincoln abattoirs".

Amendment of
principal Act,
s. 119—
Application of
Health Act.

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

D. NICHOLLS, Governor