

South Australia

South Australian Meat Corporation Act 1936

An Act to consolidate the law relating to the Metropolitan and Export Abattoirs, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title and commencement

This Act may be cited as the *South Australian Meat Corporation Act 1936* and shall come into operation on a day to be fixed by the Governor by proclamation.

3—Interpretation

In this Act—

Corporation means the South Australian Meat Corporation;

secretary means the person nominated as secretary of the Corporation by the Minister.

Part 2—The South Australian Meat Corporation

9—Corporation

The powers and functions of the Corporation are vested in, and exercisable by, the Minister.

10—Powers of Corporation

The Corporation has the same powers as a natural person of full age and capacity.

11—Property

The Corporation holds its property for and on behalf of the Crown.

13—Dissolution of Corporation

- (1) The Governor may, by proclamation—
 - (a) dissolve the Corporation; and
 - (b) vest any of its remaining assets and liabilities in an authority or person nominated in the same or a later proclamation.
- (2) Assets and liabilities remaining after dissolution of the Corporation, and disposition of its assets and liabilities under subsection (1), vest in the Crown.
- (3) After dissolution of the Corporation, any statutory powers that might have been exercised by the Corporation if it had continued in existence are exercisable by the Minister.

25—Delegation

- (1) The Corporation may by writing under its seal delegate to any person any of its powers, functions or duties under this Act (except this power of delegation) so that the delegated powers, functions or duties may be exercised or performed by the delegate with respect to the matters or class of matters specified, or the place or locality defined, in the instrument of delegation.
- (2) A delegation under subsection (1) of this section is revocable in writing, under the seal of the Corporation, at will and no delegation shall prevent the exercise or performance by the Corporation of any of its powers, functions or duties.

27—Receipt of fees, penalties etc

- (1) The Corporation shall receive and recover all fees, dues, and charges, prescribed or otherwise, payable under this Act or under any regulations made in pursuance of the powers herein contained.
- (2) The receipt of the secretary or other person duly authorised by the Corporation for the purpose shall be a sufficient discharge for the moneys received, and all penalties under this Act and the regulations shall, when recovered, be paid to the Corporation.

49—Duty of Corporation as to fees and charges

The Corporation shall impose and collect such fees and charges for slaughtering and other services performed by it, as will ensure that it will have sufficient revenue to pay, in addition to all other amounts payable by it, the amounts due under the debentures issued under this Act.

51—Power of Corporation to deal in stock

The Corporation may buy and sell stock, carcasses, and meat, but shall not sell any meat by retail.

Part 4—Abattoirs

68—Erection of abattoirs

The Corporation may—

- (a) erect and establish abattoirs on land to be acquired:
- (b) in connection therewith make, establish, and erect all such railway sidings, buildings, works, cool storage, plant and machinery, and all other erections, fixtures, fittings, and other works as the Corporation, for the time being, considers necessary, and from time to time, alter, remove, and extend the same.

69—Letting of land for hide and skin market

The Corporation may let, upon lease or otherwise, any portion of its lands, buildings, plant or other property at such rent, for such term, and upon such conditions as it shall think fit.

74—Time when abattoirs available

For the purposes of this Act the abattoirs of the Corporation shall be deemed to be available for slaughtering stock at all times except times during which the Corporation by public notice declares the abattoirs to be closed to the slaughtering of stock.

82—Exclusive right of Corporation to slaughter stock

Notwithstanding anything contained in this Act, the Corporation shall have the exclusive right to slaughter stock at the abattoirs, and may charge such fees for slaughtering and other services as it thinks fit.

91—Corporation may deliver meat

- (1) The Corporation may deliver meat of stock slaughtered at the abattoirs to the owners, and may make such charges for the delivery thereof as it may think fit.

91A—Lien on stock or meat for charges owing to Corporation

The Corporation has a lien on all stock and meat of an owner for the time being in the possession or control, or on the property, of the Corporation for charges owed by the owner to the Corporation in respect of services rendered by the Corporation whether in relation to that stock or meat or otherwise.

92—Blood etc to be rendered merchantable

The Corporation shall cause all by-products to be treated and rendered merchantable by means of desiccators, digesters, or such other means as the Corporation thinks fit.

Part 5—Markets for stock

94—Establishment of markets

The Corporation may—

- (a) erect and establish markets for the sale of stock on land to be acquired, together with all such railway sidings, buildings, pens, yards, races, plant, works, machinery, and appurtenances as the Corporation considers necessary;
- (b) from time to time alter, remove, and extend the same.

96A—Power of Corporation to establish stores

The Corporation may erect and establish stores and provide storage for fruit or other perishable commodities of any kind and may make such charges for storage as are prescribed by regulation or determined by the Corporation.

96B—Power of Corporation to treat meat

The Corporation may treat meat by canning, dehydration or other process and may erect and provide any buildings and plant necessary for such treatment and may make such charges for such treatment as are prescribed by regulation or determined by the Corporation.

Part 9—Miscellaneous

117—Presumption of knowledge

Whenever in any proceedings for a penalty in respect of any offence against this Act knowledge on the part of the defendant must be shown, such knowledge shall be presumed until the contrary is proved.

118—Recovery of charges

If default be made by any person in the payment of any fees, dues, tolls, or charges, the Corporation, or any person authorised by the Corporation, or the secretary, may, at any time after such default, recover the same by action in any court of competent jurisdiction or by complaint before any court of summary jurisdiction, or by distress upon any property at the abattoirs or the markets for stock respectively belonging to the defaulter in like manner as in the case of rent in arrear.

120—Hearing of complaints and informations

- (1) All complaints and informations shall be heard and determined in a summary way.
- (2) All penalties when recovered shall be paid to the Corporation.

121—Legal proceedings, in whose name

All complaints, informations, and legal proceedings may be preferred, prosecuted, or defended in the name of the Corporation, or of the secretary.

122—Authority

All proceedings shall be instituted by the authority of the Corporation or the secretary. Every such authority may be either general or particular, and may be proved by the production of any writing purporting to be under the hand of the secretary.

123—Proof

- (1) It shall not be necessary in any legal proceedings to prove the existence or constitution of the Corporation or the appointment of the secretary.

124—Contents of books may be proved by certified copies

Copies of or extracts from any book sealed with the seal of the Corporation and certified by the secretary to be true copies of or extracts from such book, shall be received as sufficient evidence in all courts and before all justices and tribunals of the contents of such book, or of so much thereof as such extracts contain.

125—Service of notices etc upon Corporation

Any notice, summons, writ, or legal process whatsoever, civil or criminal, may be served upon the Corporation, by leaving the same at the principal office of the Corporation with some officer or servant of the Corporation.

126—Service of notices

- (1) Every notice by this Act required to be given by or to the Corporation shall be in writing, and signed by some duly authorised person; and such notice shall be deemed to have been duly given if left at the office or principal office of the Corporation, authority, or person to whom the same is intended to be given, or the last known place of abode in South Australia of such person, or if posted in a prepaid registered letter, addressed to the Corporation, authority, or person, at its or his office or principal office, or at the last known place of abode in South Australia of such person.
- (2) If such notice is so posted, it shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such office, or principal office, or such place of abode, in the ordinary course of post.

127—Proof of service

Whenever it is necessary, on the hearing of any information for any offence against the provisions of this Act, or against any regulation hereunder, to prove service of any notice, an affidavit of the service of such notice, sworn before a commissioner for taking affidavits in the Supreme Court, or a declaration of such service made before a justice shall be sufficient proof of such service.

128—Authentication of certain documents

Every order, summons, notice, or other such document requiring to be authenticated by the Corporation may, except when otherwise provided, be sufficiently authenticated without the common seal of the Corporation, if signed by a member of the Corporation.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Formerly

Metropolitan and Export Abattoirs Act 1936

Legislation repealed by principal Act

The *South Australian Meat Corporation Act 1936* repealed the following:

Abattoirs Act 1930

The Metropolitan Abattoirs Act 1908

The Metropolitan Abattoirs Act Amendment Act 1910

The Metropolitan Abattoirs Act Further Amendment Act 1911

The Metropolitan Abattoirs Act Further Amendment Act 1912

The Metropolitan Abattoirs Act Further Amendment Act 1914

Metropolitan Abattoirs Act Further Amendment Act 1916

Metropolitan Abattoirs Act Further Amendment Act 1927

Metropolitan and Export Abattoirs Act 1933

Metropolitan and Export Abattoirs Amendment Act 1936

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1936	2291	<i>Metropolitan and Export Abattoirs Act 1936</i>	8.10.1936	1.4.1937 (<i>Gazette</i> 25.3.1937 p646)
1937	2373	<i>Metropolitan and Export Abattoirs Act Amendment Act 1937</i>	15.12.1937	15.12.1937
1945	43	<i>Metropolitan and Export Abattoirs Act Amendment Act 1945</i>	24.1.1946	24.1.1946
1948	17	<i>Metropolitan and Export Abattoirs Act Amendment Act 1948</i>	23.9.1948	23.9.1948

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1952	24	<i>Metropolitan and Export Abattoirs Act Amendment Act 1952</i>	13.11.1952	13.11.1952
1954	58	<i>Metropolitan and Export Abattoirs Act Amendment Act 1954</i>	23.12.1954	23.12.1954
1955	48	<i>Metropolitan and Export Abattoirs Act Amendment Act 1955</i>	8.12.1955	8.12.1955
1956	20	<i>Metropolitan and Export Abattoirs Act Amendment Act 1956</i>	8.11.1956	6.2.1957 (<i>Gazette 24.1.1957 p94</i>)
1957	15	<i>Metropolitan and Export Abattoirs Act Amendment Act 1957</i>	24.10.1957	24.10.1957
1958	10	<i>Metropolitan and Export Abattoirs Act Amendment Act 1958</i>	16.10.1958	16.10.1958
1962	10	<i>Metropolitan and Export Abattoirs Act Amendment Act 1962</i>	18.10.1962	18.10.1962
1964	39	<i>Metropolitan and Export Abattoirs Act Amendment Act 1964</i>	22.10.1964	22.10.1964
1972	99	<i>Metropolitan and Export Abattoirs Act Amendment Act 1972</i>	9.11.1972	9.11.1972 (<i>Gazette 9.11.1972 p2254</i>)
1974	21	<i>South Australian Meat Corporation Act Amendment Act 1974</i>	11.4.1974	11.4.1974
1976	100	<i>South Australian Meat Corporation Act Amendment Act 1976</i>	16.12.1976	9.3.1977 (<i>Gazette 3.3.1977 p591</i>)
1977	12	<i>South Australian Meat Corporation Act Amendment Act 1977</i>	5.5.1977	9.3.1977: s 2
1980	28	<i>South Australian Meat Corporation Act Amendment Act 1980</i>	17.4.1980	12.2.1981 (<i>Gazette 12.2.1981 p360</i>)
1981	27	<i>South Australian Meat Corporation Act Amendment Act 1981</i>	19.3.1981	1.7.1980: s 2
1983	71	<i>South Australian Meat Corporation Act Amendment Act 1983</i>	3.11.1983	3.11.1983
1996	16	<i>South Australian Meat Corporation (Sale of Assets) Act 1996</i>	24.4.1996	Sch (para (h))—23.5.1996 (<i>Gazette 23.5.1996 p2534</i>) and Sch (paras (a)—(g) and (i)—(k))—10.4.1997 (<i>Gazette 10.4.1997 p1456</i>)

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 10 of The Public General Acts of South Australia 1837-1975 at page 270.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>amended by 100/1976 s 3</i>	9.3.1977
	<i>amended by 28/1980 s 3</i>	12.2.1981
	<i>deleted by 16/1996 Sch para (a)</i>	10.4.1997
s 3	amended by 100/1976 s 4	9.3.1977

	amended by 28/1980 s 4	12.2.1981
	substituted by 16/1996 Sch para (b)	10.4.1997
<i>s 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	§
<i>s 5</i>	<i>deleted by 28/1980 s 5</i>	12.2.1981
<i>heading preceding s 6</i>	<i>deleted by 28/1980 s 5</i>	12.2.1981
<i>s 6</i>	<i>amended by 100/1976 s 5</i>	9.3.1977
	<i>deleted by 28/1980 s 5</i>	12.2.1981
<i>ss 7 and 8</i>	<i>deleted by 28/1980 s 5</i>	12.2.1981
Pt 2		
<i>s 9</i>	<i>amended by 27/1981 s 3</i>	1.7.1980
	<i>substituted by 16/1996 Sch para (c)</i>	10.4.1997
<i>ss 10 and 11</i>	<i>substituted by 16/1996 Sch para (c)</i>	10.4.1997
<i>s 12</i>	<i>deleted by 16/1996 Sch para (c)</i>	10.4.1997
<i>s 13</i>	<i>substituted by 16/1996 Sch para (c)</i>	10.4.1997
<i>ss 14—24</i>	<i>deleted by 16/1996 Sch para (c)</i>	10.4.1997
<i>s 26</i>	<i>deleted by 16/1996 Sch para (d)</i>	10.4.1997
<i>s 28</i>	<i>amended by 28/1980 s 6</i>	12.2.1981
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 29</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 29A</i>	<i>deleted by 28/1980 s 7</i>	12.2.1981
<i>ss 30 and 31</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 33</i>	<i>substituted by 71/1983 s 2</i>	3.11.1983
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 36</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>ss 38—40</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 41</i>	<i>amended by 100/1976 s 6</i>	9.3.1977
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 42</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 43</i>	<i>amended by 100/1976 s 7</i>	9.3.1977
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 44</i>	<i>amended by 100/1976 s 8</i>	9.3.1977
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>s 45</i>	<i>amended by 100/1976 s 9</i>	9.3.1977
	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>ss 46—48</i>	<i>deleted by 16/1996 Sch para (e)</i>	10.4.1997
<i>ss 50 and 50A</i>	<i>deleted by 28/1980 s 8</i>	12.2.1981
<i>s 52</i>	<i>deleted by 16/1996 Sch para (f)</i>	10.4.1997
<i>heading preceding s 52A</i>	<i>deleted by 28/1980 s 9</i>	12.2.1981
<i>s 52A</i>	<i>amended by 100/1976 s 10</i>	9.3.1977
	<i>deleted by 28/1980 s 9</i>	12.2.1981
Pt 3	<i>amended by 28/1980 s 10</i>	12.2.1981

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	<i>amended by 27/1981 s 4</i>	<i>1.7.1980</i>
	<i>amended by 71/1983 s 3</i>	<i>3.11.1983</i>
	<i>deleted by 16/1996 Sch para (g)</i>	<i>10.4.1997</i>
Pt 4		
s 69	<i>amended by 16/1996 Sch para (h)</i>	<i>23.5.1996</i>
<i>ss 70 and 70A</i>	<i>deleted by 28/1980 s 11</i>	<i>12.2.1981</i>
<i>ss 72 and 73</i>	<i>deleted by 28/1980 s 11</i>	<i>12.2.1981</i>
<i>ss 75—77A</i>	<i>deleted by 28/1980 s 12</i>	<i>12.2.1981</i>
s 78	<i>amended by 100/1976 s 11</i>	<i>9.3.1977</i>
	<i>deleted by 28/1980 s 12</i>	<i>12.2.1981</i>
<i>ss 78A—81</i>	<i>deleted by 28/1980 s 12</i>	<i>12.2.1981</i>
<i>ss 83—90</i>	<i>deleted by 28/1980 s 13</i>	<i>12.2.1981</i>
s 91		
s 91(1)	<i>amended by 28/1980 s 14</i>	<i>12.2.1981</i>
s 91(2)	<i>deleted by 71/1983 s 4</i>	<i>3.11.1983</i>
s 91A	<i>inserted by 71/1983 s 5</i>	<i>3.11.1983</i>
s 93	<i>deleted by 28/1980 s 15</i>	<i>12.2.1981</i>
Pt 4A	<i>inserted by 100/1976 s 12</i>	<i>9.3.1977</i>
	<i>amended by 12/1977 s 3</i>	<i>9.3.1977</i>
	<i>amended by 28/1980 s 16</i>	<i>12.2.1981</i>
	<i>deleted by 16/1996 Sch para (i)</i>	<i>10.4.1997</i>
Pt 5		
<i>ss 95 and 96</i>	<i>deleted by 28/1980 s 17</i>	<i>12.2.1981</i>
Pt 6	<i>amended by 28/1980 s 18</i>	<i>12.2.1981</i>
	<i>deleted by 16/1996 Sch para (j)</i>	<i>10.4.1997</i>
Pt 7	<i>deleted by 28/1980 s 19</i>	<i>12.2.1981</i>
Pt 8	<i>amended by 28/1980 ss 20—22</i>	<i>12.2.1981</i>
	<i>deleted by 16/1996 Sch para (k)</i>	<i>10.4.1997</i>
Pt 9		
<i>ss 115 and 116</i>	<i>deleted by 28/1980 s 23</i>	<i>12.2.1981</i>
s 118	<i>amended by 28/1980 s 24</i>	<i>12.2.1981</i>
s 119	<i>amended by 100/1976 s 13</i>	<i>9.3.1977</i>
	<i>deleted by 28/1980 s 25</i>	<i>12.2.1981</i>
s 121	<i>amended by 28/1980 s 26</i>	<i>12.2.1981</i>
s 123		
s 123(1)	<i>amended by 28/1980 s 27(a)</i>	<i>12.2.1981</i>
s 123(2) and (3)	<i>deleted by 28/1980 s 27(b)</i>	<i>12.2.1981</i>
s 125	<i>amended by 28/1980 s 28</i>	<i>12.2.1981</i>
s 128	<i>amended by 28/1980 s 29</i>	<i>12.2.1981</i>
Sch 1	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>§</i>

Historical versions

Reprint No 1—15.1.1992

Reprint No 2—23.5.1996