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WESTERN AUSTRALIA

ABATTOIRS ACT 1909

ARRANGEMENT

Sec. Page

PART I

Division 1 — General

- | | | |
|----|----------------|---|
| 1. | Short title | 2 |
| 2. | Interpretation | 2 |

Division 2 — Operation of this Act

- | | | |
|----|------------------|---|
| 3. | Operation of Act | 3 |
|----|------------------|---|

Division 3 — Abattoirs

- | | | |
|----|------------------------------|---|
| 4. | Power to establish abattoirs | 4 |
|----|------------------------------|---|

Abattoirs Act 1909

Division 4 — Government stock saleyards

Sec.		Page
5.	Saleyards	4

Division 5 — Regulations

6.	Power to make regulations	5
----	---------------------------	---

Division 6 — Miscellaneous

7.	Avoidance of existing licences	8
8.	Officers may enter premises	8
9.	Offences	8
10.	Penalties	9
11.	Powers may be conferred on local authorities	9

PART II — WESTERN AUSTRALIAN MEAT COMMISSION

Division 1 — Constitution of the Commission

12.	Commission	11
13.	Penalty for participation in contracts	14

Division 2 — Functions of the Commission

14.	Changes affecting existing bodies corporate	15
15.	Power of Commission relating to property	16
15A.	Borrowing by the Commission	19
16.	Costs of administration	19
17.	The Fund	20
18.	Power to invest	21

*Division 3 — Transfer of Maintenance and Management
Functions to the Commission*

19.	Transfer of functions	21
-----	-----------------------	----

Abattoirs Act 1909

Division 4 — Accounts and Miscellaneous

Sec.		Page
20.	Application of <i>Financial Administration and Audit Act 1985</i>	23
24.	Commission to confer and co-operate with other departments	23
25.	Protection of members, officers, etc.	23
27.	Plaintiff for action for personal injuries to submit to medical examination	24
28.	Judicial notice of common seal	24
29.	Service of notices and legal proceedings	24
30.	Documents, how authenticated	24
31.	Power to direct prosecutions	25
32.	Power of officer to represent Commission	25
33.	Proof of certain matters not required	25
34.	Evidence of documents issued by the Commission	26
35.	Preservation of rights	26
36.	Commission not to be subject to rates, etc.	27
37.	Review of Act	27
	NOTES	29



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WESTERN AUSTRALIA

ABATTOIRS ACT 1909

AN ACT to provide for the constitution of the Western Australian Meat Commission, for the establishment, carrying on, control and management of Government stock saleyards, Public Abattoirs, and Meat Export Works, and for other purposes incidental thereto.

[Long title amended by No. 70 of 1975 s.4; No. 107 of 1985 s.28.]

PART I

[*Heading inserted by No. 58 of 1952 s.2.*]

Division 1 — General

[*Division heading inserted by No. 58 of 1952 s.2.*]

Short title

1. This Act may be cited as the *Abattoirs Act 1909*¹.

Interpretation

2. In this Act and the regulations made thereunder, unless the context otherwise requires —

“**abattoir**” means a place for slaughtering live stock, and its appurtenances, established under this Act;

“**Commission**” means the Western Australian Meat Commission constituted by this Act;

“**Commission employee**” means a person employed or engaged under section 15 (2);

“**disease**” means any disease which the Governor may by notice in the *Government Gazette* declare to be a disease within the meaning of this Act;

“**Fund**” means the Western Australian Meat Commission Fund, mentioned in section 17 of this Act;

“**Government department**” means a Minister of the Crown acting in his official capacity, a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or non corporate, who

or which under the authority of an Act, administers or carries on for the benefit of the State a public social service or utility;

“local authority” means the council of a municipality;

“meat” means the flesh of any animals when killed which is intended to be used for the food of man, whether fresh or prepared by chilling, freezing, preserving, salting, or by any other process, and includes the brine or other liquid in which any such flesh is being preserved;

“saleyard” or **“government stock saleyard”** means a place, whether or not a reserve, where stock is held pending or for the purposes of sale of in connection with the operation of an abattoir, and which is conducted on behalf of the Crown pursuant to the provisions of this Act;

“stock” means all classes of livestock, other than such as the Governor may by notice in the *Gazette* declare to be exempt from the provisions of this Act; and

“the appointed day” means the day on which the *Acts Amendment (Western Australian Meat Commission) Act 1975*, comes into operation².

[Section 2 amended by No. 58 of 1952 s.3; No. 65 of 1963 s.3; No. 70 of 1975 s.5.]

Division 2 — Operation of this Act

[Heading inserted by No. 70 of 1975 s.6.]

Operation of Act

3. The provisions of Part I, Division 3 apply only in such portions of the State as are declared in a resolution adopted by both Houses of Parliament, to be districts for the purposes of this Act.

[Section 3 amended by No. 65 of 1963 s.4; No. 70 of 1975 s.7.]

Division 3 — Abattoirs

[Heading inserted by No. 70 of 1975 s.8.]

Power to establish abattoirs

4. The Governor may, in any district, establish, maintain, and manage abattoirs for slaughtering stock, and may permit the use of the same by any person upon payment of the fees and observing the conditions prescribed by the regulations made under section 6.

[Section 4 amended by No. 58 of 1952 s.4; No. 70 of 1975 s.9.]

Division 4 — Government stock saleyards

[Heading inserted by No. 70 of 1975 s.12.]

Saleyards

5. (1) Where an abattoir is established, maintained and managed pursuant to section 4 the Minister, with the approval of the Governor, may establish a government stock saleyard as an adjunct to or in connection with that abattoir.

(2) All government stock saleyards established and conducted by the Crown, whether before or after the appointed day, are deemed to be established under this Act and shall, subject to the provisions of this Act and to any directions given by the Minister, be maintained and administered by the Commission.

[Section 5 inserted by No. 70 of 1975 s.12.]

[5A. Repealed by No. 70 of 1975 s.11.]

Division 5 — Regulations

[Heading inserted by No. 58 of 1952 s.6; amended by No. 70 of 1975 s.13.]

Power to make regulations

6. (1) The Governor may make regulations with respect to any of the following matters, that is to say:

- (a) the qualification, appointment, powers, and duties of officers;
- (b) the use of the facilities in, and the control and management of, any abattoir, undertaking, government stock saleyard, or trading activity carried on by the Commission;
- (b1) controlling the amount of any specified kind of stock, that may be yarded for sale in any government stock saleyard within the Metropolitan Abattoirs District as from time to time declared pursuant to the provisions of section 3;
- (c) prohibiting the slaughter in any district of all or any kind of stock, except at an abattoir or at a place within the district licensed for the slaughter of such stock by the Minister;
- (c1) the granting by the Minister, on payment of a prescribed fee, and on such conditions as he thinks fit, of licences in respect of places, other than abattoirs, authorizing the slaughter at such places of stock, the slaughter of which is by regulations under this Act prohibited elsewhere than at an abattoir or at a place licensed as aforesaid;
- (c2) the grading, classification and branding of carcasses of stock, after the slaughter thereof, to indicate the quality of the meat contained in such carcasses:

Provided that no regulation shall be made under this paragraph which is in any way inconsistent with any regulation made under the *Health Act 1911*, and that, where any regulation is made under the said Act and the same is inconsistent with any regulation made under this paragraph, the regulation made under this paragraph shall, to the extent of such inconsistency, be read and applied subject to the regulation made under the said Act;

- (c3) the admission to and removal from any government stock saleyard of persons frequenting that saleyard, and the conduct of persons in saleyards;
- (d) the sustenance, treatment, and management of stock within a government stock saleyard before sale and prior to removal after sale, or when being driven or taken to an abattoir to be slaughtered, and within an abattoir before they are slaughtered;
- (e) the forms of waybills or delivery notes to be delivered when stock are delivered at an abattoir, and the preservation and production of the same to officers on demand;
- (f) the carriage, storage, and treatment of meat, and the carriage and treatment of stock generally;
- (g) prohibiting the blowing, except by mechanical means, or other injurious treatment or preparation of meat;
- (h) the inspection of places, things and vehicles used or intended to be used for the storage or carriage of stock, and the cleansing and disinfection of the same;
- (i) the cleansing and disinfection of saleyards and of abattoirs, and of utensils, machinery, apparatus, works and things used in connection with the same and with meat therein;

- (j) the removal and disposal of blood, offal, waste matter and filth in or from saleyards and abattoirs;
- (k) the preservation and production to officers, on demand, of skins, hides or other parts of stock slaughtered;
- (l) the use and treatment of diseased or suspected stock at abattoirs;
- (m) the destruction and disposal of stock affected or infected with disease, or reasonably suspected by any officer to be affected or infected with disease, without compensation to the owners thereof;
- (n) the application or making of any test for the detection of disease in stock;
- (o) the records to be kept and the reports or returns to be made by persons in charge of abattoirs, saleyards, undertakings, or other activities of the Commission;
- (p) subject to the provisions of subsection (2), the imposition and collection of fees, charges, rents, and tolls, for the use of abattoirs, saleyards and other facilities maintained by the Commission, and of licence fees for licences granted by the Minister under paragraph (c1) for the purpose of defraying the expenses of inspection and of carrying this Act into effect;
- (q) all other matters and things necessary for the efficient administration of this Act.

(2) The Commission may, notwithstanding the provisions of any regulations made under subsection (1) in relation to the imposition and collection of fees, charges, rents or tolls for the use of abattoirs, saleyards or other facilities maintained by the Commission, grant, in such circumstances and on such terms and conditions as the Commission thinks fit, discounts and rebates on those fees, charges, rents or tolls.

[Section 6 amended by No. 8 of 1941 s.2; No. 58 of 1952 s.7; No. 65 of 1963 s.6; No. 104 of 1970 s.2; No. 70 of 1975 s.14; No. 80 of 1978 s.2.]

Division 6 — Miscellaneous

[Heading inserted by No. 58 of 1952 s.8; amended by No. 70 of 1975 s.15.]

Avoidance of existing licences

7. On this Act coming into force in any district, every registration of and licence issued for any abattoir or slaughter-house within such district under the provisions of the *Health Act 1898*³, or any other Act, shall become void and of no effect except in the case of any abattoir established before the passing of this Act, and certified in writing by the Minister on the recommendation of the controller within 3 months after the passing of this Act to be an abattoir fit to continue registered and licensed under the provisions of the *Health Act 1898*.³

Officers may enter premises

8. Any officer appointed under this Act may at all times enter the premises of any person if such officer has reason to believe that any stock are slaughtered or kept for slaughter on such premises contrary to the regulations made under this Act.

Every person who, by himself or by any person in his employ, or acting by his direction or with his consent, refuses to admit, without any unnecessary delay, any officer demanding to enter any premises in pursuance of this section, commits an offence against this Act.

Offences

9. Any person who —

- (a) knowingly takes or assists in taking into an abattoir any stock affected with disease;

- (b) resists or obstructs an officer in the course of his duty;
- (c) refuses to give information or gives false information in answer to any inquiry made by an officer in the course of his duty;
- (d) refuses or neglects to obey the written order of an officer;
- (e) refuses or neglects to deliver any way-bill or delivery note, or to keep any prescribed record or make any prescribed report, or to produce the same on demand when required so to do by an officer, or makes any false entry in any such way-bill, delivery-note, record or report;
- (f) refuses or neglects to give any prescribed notice,

commits an offence against this Act.

Penalties

10. Any person guilty of an offence against this Act, or of a breach of or offence against any regulation made under this Act, shall be liable on summary conviction to a penalty not exceeding \$2 000 or to imprisonment for any period not exceeding 6 months.

[Section 10 amended by No. 113 of 1965 s.8; No. 20 of 1989 s.3.]

Powers may be conferred on local authorities

11. (1) Except in relation to any abattoir for the time being managed by the Commission, the Governor may, by Order in Council, authorize any local authority, or any 2 or more local authorities jointly, to control and manager any abattoir to which the provisions of Part I, Division 3 apply or to exercise any of the powers in relation to an abattoir conferred on the Governor by this Act, but the power to make regulations shall only be exercisable subject to the approval of the Governor.

s. 11

Abattoirs Act 1909

(2) Any local authority to which such Order in Council applies may expend its ordinary revenue for the purposes of this Act.

(3) Any Order in Council made under this section may, at any time, be revoked by the Governor.

[Section 11 amended by No. 58 of 1952 s.9; No. 70 of 1975 s.16.]

PART II — WESTERN AUSTRALIAN MEAT COMMISSION

[Part 2 inserted by No. 58 of 1952 s.10;]

[Heading inserted by No. 70 of 1975 s.17.]

Division 1 — Constitution of the Commission

[Division heading inserted by No. 70 of 1975 s.17.]

Commission

12. (1) On the appointed day a body to be known as the Western Australian Meat Commission shall be constituted as hereinafter provided.

(2) The Commission shall consist of 5 members, of whom —

- (a) 4 members shall be appointed by the Governor on the nomination of the Minister made in accordance with subsection (2a); and
- (b) one member shall, *ex officio*, be the person who is for the time being holding or acting in the office of General Manager and Chief Executive Officer.

(2a) For the purposes of subsection (2) (a) the Minister shall nominate —

- (a) a person to represent producers of livestock;
- (b) a person who, in the opinion of the Minister, is an expert in commerce;
- (c) a person who, in the opinion of the Minister, is an expert in industrial relations; and
- (d) a person to represent the Government.

(3) The Governor shall appoint one of the appointed members of the Commission to be Chairman of the Commission, and the member so appointed holds office as Chairman, unless he sooner resigns as Chairman, until the cessation of the term of his office as member that is current when he became Chairman, but he may be re-appointed as Chairman.

(4) Except as provided in subsection (5) each person appointed to office as a member of the Commission shall hold that office for a term of not more than 4 years and at the expiration of his term be eligible for re-appointment.

(5) If an appointed member of the Commission —

- (i) is absent from his duties for a period of at least one month without the written consent of the Minister;
- (ii) becomes of unsound mind, or is declared, under the provisions of any law for the time being relating to mental infirmity, incapable of managing his affairs;
- (iii) becomes bankrupt or avails himself as a debtor of a law for the relief of bankrupt debtors;
- (iv) resigns, attains the age of 70 years, or dies;
- (v) without the written consent of the Minister participates or claims to be entitled to participate in the profit of or in a commission, benefit, or an emolument, arising from any contracts or agreements made by or on behalf of the Commission;
- (vi) is guilty of misbehaviour or of incapacity,

his office on the Commission shall become vacant.

(6) Where an office of an appointed member of the Commission becomes vacant otherwise than by effluxion of the term for which the occupant is appointed, the Governor may appoint a person to the vacant office for the remainder of that term, and at the expiration of that remainder that person shall be eligible for re-appointment.

(7) (a) The Governor may appoint persons having the same eligibility for appointment to the office of member of the Commission as that of the respective members of the Commission, to be deputies of the members.

(aa) The Governor may appoint another officer of the Commission to be the deputy of the General Manager and Chief Executive Officer in his capacity as a member.

(b) In the absence or during the incapacity of a member, his deputy may act in his stead and shall have the same powers and duties as the member, if present, would have.

(8) The appointment of, and an act or a matter or thing done by a person as a deputy of the Chairman or of any of the other members of the Commission, as the case may be, or of a person to fill a vacancy in any of those offices shall not be questioned on the ground that the occasion for the appointment had not arisen or had ceased.

(9) Each member of the Commission and his deputy shall be entitled to such remuneration, allowances and leave of absence as is determined by the Governor.

(10) A resolution agreed to by a majority of the appointed members of the Commission present at the meeting shall be the resolution of the Commission, and in the event of the votes being otherwise equal the Chairman shall have a casting vote in addition to his deliberative vote.

(11) (a) 3 of the appointed members of the Commission shall form a quorum and shall have all the powers and duties conferred upon the Commission by the provisions of this Act.

[(b) repealed]

(12) (a) Subject to the provisions of paragraph (b) the convention of meetings and conduct of proceedings of the Commission shall be as prescribed by the regulations, and until so prescribed shall be regulated by the Commission.

(b) The General Manager and Chief Executive Officer or his deputy is not entitled to vote on any question arising at a meeting of the Commission, and an appointed member is entitled to one vote only.

(13) The Commission shall keep a record of its meetings and proceedings.

[Section 12 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.18; No. 57 of 1978 s.2; No. 68 of 1981 s.2; No. 107 of 1985 s.29.]

Penalty for participation in contracts

13. (1) A member of the Commission who without the written consent of the Minister, participates or claims to be entitled to participate in the profit of, or in a commission, benefit, or an emolument arising from a contract or an agreement made by or on behalf of the Commission, commits a misdemeanour:

Penalty: Imprisonment for 3 years.

(2) A party to a contract or an agreement mentioned in subsection (1), who without the written consent of the Minister allows a member of the Commission to participate in a profit, or receive a commission or benefit, or an emolument mentioned in that subsection, commits a misdemeanour:

Penalty: Imprisonment for 3 years.

(3) The consent of the Minister may be given generally or in a particular case or in a class of case.

(4) This section does not apply to any contract or agreement relating to the employment of the General Manager and Chief Executive Officer.

[Section 13 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.19; No. 107 of 1985 s.30.]

Division 2 — Functions of the Commission

[Division heading inserted by No. 58 of 1952 s.10.]

Changes affecting existing bodies corporate

14. (1) On and after the appointed day the body corporate hitherto constituted under this Act by the name "**The Midland Junction Abattoir Board**" shall be preserved and continue in existence as a body corporate under and subject to the provisions of this Act by the name "**Western Australian Meat Commission**", but so that the corporate identity of the body corporate and its rights, powers, functions, duties and liabilities are not affected.

(2) A reference to The Midland Junction Abattoir Board, whether by use of that name or a similar or abbreviated form of that name —

- (a) in a law of the State passed or made before the appointed day;
- (b) in any document or other instrument made, executed, entered into or done before the appointed day; or
- (c) made before the appointed day in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate so to do, be read and construed as a reference to the Commission.

(3) For the purposes of this section the term "**law of the State**" means —

- (a) an Act;
- (b) regulations, rules or by-laws having effect by virtue of an Act; and
- (c) an instrument having effect by virtue of any such Act, regulations, rules or by-laws.

(4) The provisions of this section shall have effect *mutatis mutandis* in relation to The West Australian Meat Export Works established as a State trading concern under that name pursuant to section 3 of the *West Australian Meat Export Works Act 1942*⁴, and to the minister of the Crown charged with the administration of the *State Trading Concerns Act 1916*, in so far as under that Act he in the capacity of a body corporate was concerned in the management of The West Australian Meat Export Works, and without further or other assurance on and after the appointed day all the property, rights, interests and liabilities of that State trading concern shall be and become the property, rights, interests and liabilities of the Commission.

[Section 14 inserted by No. 70 of 1975 s.20.]

Power of Commission relating to property

15. (1) In this section —

“**property**” means real and personal property of every kind and includes any estate or interest in real and personal property;

“**to acquire**” means to acquire by purchase absolutely or on terms, exchange, gift, lease, a letting agreement, licence, and bailment;

“**to dispose of**” means to dispose of by sale absolutely or on terms, exchange, lease, letting, licence, and bailment.

(2) Subject to the Minister the Commission is authorized —

(a) to maintain and manage the Midland Junction Abattoir, the undertaking hitherto known as The West Australian Meat Export Works, and such other abattoirs or undertakings in the meat industry as the Minister may from time to time direct;

- (b) for the purposes of carrying out the objects of this Act in relation to abattoirs, saleyards, and other undertakings, trading and activities in the meat industry —
- (i) to employ under contracts of service or engage under contracts for service persons as Commission employees and in particular may employ and engage a person to be the General Manager and Chief Executive Officer of the Commission;
 - (ii) to enter into contracts;
 - (iii) to establish and maintain reserve funds;
 - (iv) to acquire and dispose of property;
 - (v) with the prior consent in writing of the Treasurer of the State, to borrow money by the issue of debentures, debenture stock, bonds, mortgages or any other securities founded or based upon all or any of the property of the Commission or without any security and upon such terms and conditions as the Commission, with the prior approval of the Treasurer thinks fit; and the Commission may with that approval and on such terms and conditions borrow money on overdraft from any bank approved by the Treasurer;
 - (vi) to erect, equip, furnish, alter, demolish, replace and maintain buildings and plant;
 - [(vii) *deleted*]
 - (viii) to assume responsibility for and manage saleyards; and
 - (ix) to do such other things as are in the opinion of the Minister necessary in the public interest in relation to the meat industry;

but shall not, without the written approval of the Minister, enter into a contract involving a sum of more than \$10 000 or such lesser

figure as he may from time to time direct to acquire or to dispose of land, buildings, plant or equipment.

(2a) Notwithstanding anything in subsection (2), to the extent that there is in the case of a person who is employed under that subsection to be the General Manager and Chief Executive Officer of the Commission or any other Commission employee and who is a member of the Senior Executive Service within the meaning of the *Public Service Act 1978* an inconsistency between this Act and that Act that Act shall prevail.

(3) To the intent that the assets of the Commission and the services of the Commission employees may be utilised to the maximum practicable extent consistent with the making of profits or the producing of revenue, the Commission, subject to the Minister, is authorized to carry on any trade that in the opinion of the Commission can conveniently be carried on in conjunction with the activities of the Commission under this Act, whether or not that trade is directly related to the meat industry, but only in so far as that trade may be necessary in the interests of the meat industry.

(4) The carrying on by the Commission of a trade authorized by subsection (3) shall be deemed to be a proper exercise of the powers of management conferred on the Commission by this Act notwithstanding that it may be beyond the usual functions of the Commission.

(5) Notwithstanding anything in this section, the Commission shall not engage in trade in meat, meat products or livestock, other than products described in subsection (6).

(6) The Commission may engage in trade in —

- (a) tallow, meatmeal, blood meal, or any other meat product not intended for human consumption that is or are normally sold as part of the operations of an abattoir; and
- (b) lungs, spleens, glands and other by-products of slaughtering owned by the Commission and intended for human consumption.

[Section 15 inserted by No. 58 of 1952 s.10; amended by No. 65 of 1963 s.7; No. 64 of 1964 s.2; No. 113 of 1965 s.8; No. 28 of 1971 s.2; No. 70 of 1975 s.21; No. 107 of 1985 s.31; No. 110 of 1987 s.3; No. 113 of 1987 s.32.]

Borrowing by the Commission

15A. (1) The Commission shall not borrow money otherwise than in accordance with section 15 (2) (b) (v) or section 17 (3).

(2) The Treasurer of the State may from time to time, upon and subject to such terms and conditions as he thinks fit, and without further authority than this section, guarantee on behalf of the Crown in right of the State, the due redemption of any principal moneys borrowed by the Commission pursuant to section 15 (2) (b) (v) and the due payment of all interest thereon.

(3) The Treasurer of the State shall cause any money required to fulfil any guarantee given by him under this section, to be paid out of the Consolidated Revenue Fund which is hereby to the necessary extent appropriated accordingly, and shall cause any sums received or recovered by the Treasurer from the Commission or otherwise in respect of a sum so paid by the Treasurer to be paid into the Consolidated Revenue Fund.

[Section 15A inserted by No. 64 of 1964 s.3; amended by No. 70 of 1975 s.22; No. 98 of 1985 s.3.]

Costs of administration

16. The cost of the administration of this Act and the management of the abattoirs, undertakings, saleyards and other activities of the Commission shall be paid from the Western Australian Meat Commission Fund referred to in section 17.

[Section 16 inserted by No. 70 of 1975 s.23.]

The Fund

17. (1) There shall be a fund called the Western Australian Meat Commission Fund.

(2) The Fund —

- (a) shall be kept and operated in the manner prescribed by the regulations;
- (b) shall comprise —
 - (i) money derived from the management of the abattoirs, undertakings, saleyards and other activities of the Commission;
 - (ii) fees, charges, rents, tolls, and other payments received by the Commission;
 - (iii) money in reserves vested in or established by the Commission and maintained by the Commission;
 - (iv) property and investments in which money is invested by the Commission;
 - (v) money derived from that property and those investments;
 - (vi) money derived from transactions relating to that property and those investments;
 - (vii) such money as may from time to time be appropriated by Parliament to the funds of the Commission;
 - (viii) money borrowed or raised by the Commission pursuant to section 15 (2) (b) (v);
 - (ix) money advanced to the Commission by the Treasurer; and
 - (x) such other money as is prescribed by the regulations.

(3) (a) Where at any time the Commission is unable to meet its commitments from the Fund the Commission may borrow from the Treasurer the amount required in order to enable the Commission to do so.

(b) The amount of an advance made under paragraph (a) with interest at such rate as the Treasurer determines from time to time shall be a first charge upon the Fund and repayable out of the Fund on demand by the Treasurer.

[Section 17 inserted by No. 58 of 1952 s.10; amended by No. 64 of 1964 s.4; No. 70 of 1975 s.24; No. 98 of 1985 s.3.]

Power to invest

18. With the approval of the Minister the Commission may invest so much of the Fund as is not immediately required for the purposes of this Act, in investments approved by the Minister.

[Section 18 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.25.]

Division 3 — Transfer of Maintenance and Management Functions to the Commission

[Division heading inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.26.]

Transfer of functions

19. (1) For the purposes of this section —

“**functions**” includes powers, rights, benefits, and obligations.

(2) On the appointed day —

- (a) The Midland Junction Abattoir Board as theretofore constituted shall cease to maintain and manage the Midland Junction Abattoir and the saleyard maintained under the *Government Stock Saleyards Act 1941*⁵, as an adjunct to that abattoir;
- (b) the Minister having the administration of the trading concern known as the West Australian Meat Export Works under the *State Trading Concerns Act 1916*, shall cease to administer that undertaking; and
- (c) the Minister administering the *Government Stock Saleyards Act 1941*⁵, shall cease to maintain and control the stockyards established under that Act,

and those several functions and all property of whatever kind certified by the Auditor General as being comprised therein shall by virtue of this Act be transferred to the Commission.

(3) If anything has been commenced by or with the authority or on behalf of a person who was immediately before the appointed day responsible in relation to the functions or property transferred by this section, the Commission is authorized to carry on and complete it.

(4) If at the appointed day legal proceedings relating to or arising out of the functions or property transferred by this section are pending the Commission may be substituted as a party to those proceedings, which shall not abate because of the operation of subsection (2).

[Section 19 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.27.]

Division 4 — Accounts and Miscellaneous

[Division heading inserted by No. 58 of 1952 s.10.]

Application of *Financial Administration and Audit Act 1985*

20. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commission and its operations.

[Section 20 inserted by No. 98 of 1985 s.3.]

[21, 22, and 23 Repealed by No. 98 of 1985 s.3.]

Commission to confer and co-operate with other departments

24. (1) Where the exercise of a right, power or authority or the discharge of a duty by the Commission may affect the exercise of a right, power or authority or the discharge of a duty by a Government department, the Commission shall, so far as practicable, confer and co-operate with that department.

(2) Where a question, difference or dispute has arisen or is likely to arise between the Commission and a Government department with respect to the exercise of a right, power or authority or the discharge of a duty by either or both of them, it may be finally and conclusively determined by the Governor.

[Section 24 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Protection of members, officers, etc.

25. A matter or thing done by a member of the Commission or his deputy or by the General Manager and Chief Executive Officer or by a Commission employee if done *bona fide* in the exercise of his powers or in the performance of his duties under this or any other Act, shall not subject him to personal liability.

[Section 25 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

[26. *Repealed by No. 73 of 1954 s.8.*]

Plaintiff for action for personal injuries to submit to medical examination

27. An action shall not lie or be brought or continued against the Commission in respect of injury to the person, unless the person claiming to have been injured submits himself at such reasonable times as the Commission may appoint to examination by a medical practitioner or medical practitioners appointed by the Commission.

[Section 27 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Judicial notice of common seal

28. Where the common seal of the Commission is affixed to a document, courts, judges and persons acting judicially shall take judicial notice of the seal and shall presume that it was regularly affixed.

[Section 28 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Service of notices and legal proceedings

29. A notice, summons, writ or other proceeding required to be served upon the Commission, may be served in the manner prescribed by the regulations.

[Section 29 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Documents, how authenticated

30. A notice, order, summons or other document requiring authentication by the Commission, may be sufficiently

authenticated without the seal of the Commission if signed by the Chairman or officer of the Commission authorized by the regulations to sign it.

[Section 30 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Power to direct prosecutions

31. The Commission may order, either generally or in any particular case, that proceedings be taken for the punishment of persons offending against this Act or the regulations.

[Section 31 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Power of officer to represent Commission

32. In proceedings in courts of petty sessions, an officer of the Commission, appointed by the Chairman in writing under his hand for that purpose, may represent the Commission.

[Section 32 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Proof of certain matters not required

33. In prosecutions or other legal proceedings instituted by direction of the Commission, proof is not required, until evidence is given to the contrary, of —

- (a) the constitution of the Commission;
- (b) the order of the Commission to prosecute;
- (c) the particular or general appointment of an officer of the Commission to take the proceedings;
- (d) the authority of the officer to prosecute;

- (e) the appointment of the Chairman or of any other member or officer of the Commission; or
- (f) the presence of a quorum at a meeting of the Commission at which an order is made or anything is done by the Commission.

[Section 33 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Evidence of documents issued by the Commission

34. Documents purporting to be issued or written by or under the direction of the Commission, and purporting to be signed by the Chairman or an officer authorized by the regulations to do so, shall be received as evidence by courts and persons acting judicially within the State and shall, without proof, be deemed to have been issued or written by or under the direction of the Commission until the contrary is shown.

[Section 34 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975, s.31.]

Preservation of rights

35. Acceptance of, or acting in, an office as member of the Commission or as a deputy of a member of the Commission, or as General Manager and Chief Executive Officer or as a Commission employee does not, of itself, render the provisions of the *Public Service Act 1904*⁶, the *Superannuation Act 1871*⁷, or the *Superannuation and Family Benefits Act 1938*, applicable to a person where they do not apply to him at the time of acceptance of or acting in the office or employment, nor, of itself, affect the application of those provisions to him where they applied to him at the time of the acceptance of or acting in the office or employment.

[Section 35 inserted by No. 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Commission not to be subject to rates, etc.

36. No rate, tax or assessment shall be made, charged, or levied upon the Midland Junction Abattoir unless the contrary is expressly provided in any Act.

[Section 36 inserted by No 58 of 1952 s.10; amended by No. 70 of 1975 s.31.]

Review of Act

37. (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of section 32 of the *Acts Amendment (Meat Industry) Act 1985*, and in the course of that review the Minister shall consider and have regard to —

- (a) the effectiveness of the operations of the Commission;
- (b) the need for the continuation of the functions of the Commission; and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review made under subsection (1) and shall, as soon as is practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

[Section 37 inserted by No. 107 of 1985 s.32.]

sch.

Abattoirs Act 1909

SCHEDULE

[Schedule Repealed by No. 70 of 1975 s.32.]

Abattoirs Act 1909

NOTES

1. This reprint is a compilation as at 24 March 1992 of the *Abattoirs Act 1909* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Abattoirs Act 1909</i>	31 of 1909	4 December 1909	4 December 1909	
<i>Abattoirs Act amendment Act 1931</i>	17 of 1931	18 August 1931	18 August 1931	
<i>Abattoirs Act Amendment Act 1941</i>	8 of 1941	13 October 1941	13 October 1941	
<i>Abattoirs Act Amendment Act 1952</i>	58 of 1952	23 December 1952	23 December 1953	
<i>Limitation Act Amendment Act 1954, section 8</i>	73 of 1954	14 January 1955	1 March 1955 (see <i>Gazette</i> 18 February 1955 p.343)	
<i>Abattoirs Act Amendment Act 1963</i>	65 of 1963	18 December 1963	7 December 1964 (see <i>Gazette</i> 4 December 1964 p.3850)	
<i>Abattoirs Act Amendment act 1964</i>	64 of 1964	4 December 1964	4 December 1964	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2 (2)); Balance: 21 December 1965	

Abattoirs Act 1909

Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Abattoirs Act Amendment Act 1970</i>	104 of 1970	8 December 1970	8 December 1970	
<i>Abattoirs Act Amendment Act 1971</i>	28 of 1971	1 December 1971	1 December 1971	
<i>Acts Amendment (Western Australian Meat Commission) Act 1975, Part I</i>	70 of 1975	7 November 1975	1 July 1976 (see <i>Gazette</i> 15 June 1976 p.2047)	
<i>Abattoirs Act Amendment Act 1978</i>	57 of 1978	21 September 1978	21 September 1978	
<i>Abattoirs Act Amendment Act (No. 2) 1978</i>	80 of 1978	27 October 1978	27 October 1978	
<i>Abattoirs Amendment Act 1981</i>	68 of 1981	23 October 1981	23 October 1981	
<i>Acts Amendment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	
<i>Acts Amendment (Meat Industry) Act 1985, Part III</i>	107 of 1985	8 January 1985	1 July 1986 (see <i>Gazette</i> 27 June 1986 p.2159)	Transitional ^a

Abattoirs Act 1909

Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Meat Industry) Act 1987, Part II</i>	110 of 1987	19 December 1987	22 January 1988 (see <i>Gazette</i> 27 June 1986 p.2159)	
<i>Acts Amendment (Public Service) Act 1987, section 32</i>	113 of 1987	31 December 1987	16 March 1988 (see <i>Gazette</i> 16 March 1988 p.813)	
<i>Agricultural Legislation (Penalties) Amendment Act 1989, section 3</i>	20 of 1989	1 December 1989	15 December 1989 (see <i>Gazette</i> 15 December 1989 p.4513)	

² Came into operation 1 July 1976; see *Gazette* 18 June 1976 p. 2047.

³ Now see *Health Act 1911*.

⁴ Repealed by Act No. 70 of 1975 s.40.

⁵ Repealed by Act No. 70 of 1975 s.39.

⁶ Now see *Public Service Act 1978*.

⁷ Repealed by Act No. 10 of 1991 s.3.

⁸ Part V of Act No. 107 of 1985 reads as follows —

“ **PART V — TRANSITIONAL**

Division 1 — Preliminary

Definitions

34. In this Part —

“appointed day” means the first day on which both sections 16 and 31 of this Act have come into operation;

Abattoirs Act 1909

“**Commission**” means the Western Australian Meat Commission established by section 12 of the *Abattoirs Act 1909*;

“**Corporation**” means the Western Australian Meat Marketing Corporation established by section 5 of the *Marketing of Meat Act 1971*;

“**meat marketing operations of the Commission**” means the operations of the Commission relating to trading in meat, meat products and livestock, other than meat products referred to in section 15 (6) of the *Abattoirs Act 1909*.

Interpretation Act 1984 not affected

35. Nothing in this Part shall be construed so as to limit the operation of the *Interpretation Act 1984*.

Division 2 — Transfer of certain functions

Purpose of this Division

36. The purpose of this Division is to enable effect to be given to a scheme whereby, in accordance with amendments made by sections 16 and 31 of this Act, the meat marketing operations of the Commission are, on the appointed day, to be transferred to the Corporation.

Construction of certain references to Commission

37. Subject to this Division, in any written law and in any agreement, whether in writing or not, and in every deed or other instrument, unless the context is such that it would be incorrect or inappropriate, a reference to the Commission in relation to the meat marketing operations of the Commission shall as from the appointed day be read as a reference to the Corporation.

Minister may make further transitional provisions

38. The Minister may, by order, make such provision as he considers expedient —

- (a) for the devolution of property of any kind, rights, obligations and liabilities relating exclusively to the meat marketing operations of the Commission;

Abattoirs Act 1909

- (b) for the continuation or completion by the Corporation of anything lawfully commenced by the Commission relating to those operations; or
- (c) otherwise of a saving, transitional or supplementary nature,

where he is of the opinion that it is necessary or expedient to do so in order to give effect to the purpose of this Division.

Legal proceedings

39. Notwithstanding sections 36, 37, 38, if at the appointed day legal proceedings relating to or arising out of the marketing operations of the Commission are pending the Commission shall continue as a party to those proceedings as if this Act had not been passed.

Division 3 — Provisions relating to Part II

Definition

40. In this Division “the principal Act” means the *Marketing of Lamb Act 1971*.

Construction of references to Western Australian Lamb Marketing Board

41. In any written law and in any agreement, whether in writing or not, and in every deed or other instrument, unless the context is such that it would be incorrect or inappropriate, a reference to the Western Australian Lamb Marketing Board, as from the commencement of section 9, shall be read as a reference to the Corporation.

Membership

42. (1) The term of office of —
- (a) the member holding office under section 7 (1) (b); and
 - (b) the chairman holding office under section 7 (1) (c),

of the principal Act immediately before the commencement of section 10 of this Act shall expire on such commencement.

Abattoirs Act 1909

(2) Where the term of office of a member holding office under section 7 (1) (a) of the principal Act immediately before the commencement of section 10 of this Act —

(a) expires before 30 June 1987, the Governor may extend his term of office until that date;

or

(b) expires after 30 June 1987 but before 30 June 1988, the Governor may extend his term of office until the latter date,

but otherwise section 7 of the principal Act shall continue to apply to the member in all respects.

Division 4 — Provision relating to Part III

Membership

43. The persons holding office as members of the Commission immediately before the commencement of section 29 cease to be members on such commencement.