

WESTERN AUSTRALIA.

**ABATTOIRS.**

**No. 31 of 1909.**

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

- No. 17 of 1931, assented to 18th August, 1931;
- No. 8 of 1941, assented to 13th October, 1941;
- No. 58 of 1952, assented to 23rd December, 1952;
- No. 73 of 1954, assented to 14th January, 1955<sup>1</sup>;
- No. 65 of 1963, assented to 18th December, 1963<sup>2</sup>;
- No. 64 of 1964, assented to 4th December, 1964;
- No. 104 of 1970, assented to 8th December, 1970;
- No. 28 of 1971, assented to 1st December, 1971;
- No. 70 of 1975, assented to 7th November, 1975<sup>3</sup>;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**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, Meat Export Works, undertakings and trading concerns dealing in livestock, meat and meat products, and for other purposes incidental thereto.**

Long title amended by No. 70 of 1975, s. 4.

[Assented to 4th December, 1909.]

BE it enacted—

**PART I.**

Heading added by No. 58 of 1952, s. 2.

*Division 1.—General.*

1. This Act may be cited as the *Abattoirs Act, 1909-1975.*

Short title. Amended by No. 70 of 1975, s. 3.

<sup>1</sup> Came into operation 1st March, 1955; see G.G. 18/2/55, p. 343.

<sup>2</sup> Came into operation 7th December, 1964; see G.G. 4/12/64, p. 3850.

<sup>3</sup> Came into operation 1st July, 1976; see G.G. 18/6/76, p. 2047.

Interpreta-  
tion.  
Amended by  
No. 58 of  
1952, s. 3;  
No. 45 of  
1963, s. 3.  
No. 70 of  
1975, s. 5.  
See Q., 1898,  
No. 23, s. 5.

2. In this Act and the regulations made there-  
under, unless the context otherwise requires—

“Abattoir” means a place for slaughtering  
live stock, and its appurtenances, estab-  
lished under this Act;

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

“Commission employee” means a person  
employed or engaged under subsection (2)  
of section fifteen of this Act;

“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  
seventeen 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 or 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 operation.<sup>1</sup>

*Division 2.—Operation of this Act.*

3. The provisions of Division 3 of Part I of this Act 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.

Operation of Act.  
See Q., 1898, No. 23, s. 2.  
Amended by No. 65 of 1963, s. 4.  
No. 70 of 1975, s. 7.

*Division 3.—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 six of this Act.

Heading added by No. 70 of 1975, s. 8.  
Power to establish abattoirs.  
Amended by No. 58 of 1952, s. 4; No. 70 of 1975, s. 9.  
Q., 1898, No. 23, s. 7.

[Original s. 5. Repealed by No. 70 of 1975, s. 10.]

*Division 4.—Government Stock Saleyards.*

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

Saleyards.  
Added by No. 70 of 1975, s. 12.

(2) All government stock saleyards established and conducted by the Crown, whether before or after the appointed day, are deemed to be established

<sup>1</sup> Came into operation 1st July, 1976; see G.G. 18/6/76, p. 2047.

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.

5A. [*Added by No. 17 of 1931, s. 2. Repealed by No. 70 of 1975, s. 11.*]

*Division 5.—Regulations.*

Heading added by No. 58 of 1952, s. 6.  
Amended by No. 70 of 1975, s. 13.  
Power to make regulations.  
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.  
See Q., 1898, No. 23, s. 20.

6. 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 three of this Act;
- (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 licenses in respect of places, other than abattoirs, authorising 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, 1911-1937,<sup>1</sup> 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;

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<sup>1</sup> Now Health Act, 1911-1975.

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- (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) 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 license fees for licenses granted by the Minister under paragraph (c1) of this subsection 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) [*Repealed by No. 65 of 1963, s. 6.*]

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### Division 6.—Miscellaneous.

Heading added by No. 58 of 1952, s. 8; amended by No. 70 of 1975, s. 15.

7. On this Act coming into force in any district, every registration of and license issued for any abattoir or slaughter-house within such district under the provisions of the Health Act, 1898,<sup>1</sup> 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 three 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.<sup>1</sup>

Avoidance of existing licenses.

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.

Officers may enter premises.

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.

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;

Offences.  
See Q., 1898,  
No. 23,  
ss. 22, 23.

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<sup>1</sup> See now Health Act, 1911.

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(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.**  
Amended by  
No. 113 of  
1985, s. 8.

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 two hundred dollars or to imprisonment for any period not exceeding six months.

**Powers  
may be  
conferred  
on local  
authorities.**  
Amended by  
No. 58 of  
1952, s. 9;  
No. 70 of  
1975, s. 16.

11. (1) Except in relation to any abattoir for the time being managed by the Commission, the Governor may, by Order in Council, authorise any local authority, or any two or more local authorities jointly, to control and manage any abattoir to which the provisions of Division 3 of Part I of this Act 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.

(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.

(4) [*Repealed by No. 70 of 1975, s. 16.*]

**Headings  
substituted  
by No. 70 of  
1975, s. 17.**

PART II.—WESTERN AUSTRALIAN MEAT COMMISSION.  
*Division 1.—Constitution of the Commission.*

**Commission.**  
Added by  
No. 58 of  
1952, s. 10.  
Amended by  
No. 70 of  
1975, s. 18.

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 six persons appointed by the Governor as members, of whom— Constitution  
of  
Commission.

- (a) one shall be a person having relevant marketing experience;
- (b) one shall be a person having relevant experience in financial management;
- (c) one shall be a person having extensive and relevant experience in the meat industry;
- (d) two shall be persons appointed to represent the interests of producers of meat; and
- (e) one shall be a person appointed to represent the interests of the Government of the State.

(3) The Chairman of the Commission shall be such member as the Governor appoints to that office. Chairman.

(4) Except as provided in subsection (5) of this section each person appointed to office as a member of the Commission shall hold that office for a term of four years and at the expiration of his term be eligible for re-appointment. Tenure of  
office.

(5) If a 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 sixty-five years, or dies;
- Circum-  
stances  
in which  
office on  
Commission  
becomes  
vacant.

(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.

Appoint-  
ment to fill  
vacancy  
in office.

(6) Where an office of 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.

Appoint-  
ment of  
deputies.

(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.

(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.

Validity of  
functions of  
deputies, etc.

(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.

Duties and  
remunera-  
tion, etc.

(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 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. Majority resolutions.

(11) (a) Four of the 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. Quorum.

(b) [*Repealed by No. 70 of 1975, s. 18.*]

(12) (a) Subject to the provisions of paragraph (b) of this subsection 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. Convention of meetings and conduct of proceedings.

(b) Each member of the Commission shall be entitled to one vote only.

(13) The Commission shall keep a record of its meetings and proceedings. Records to be kept.

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 for participation in contracts. Added by No. 58 of 1952, s. 10. Amended by No. 70 of 1975, s. 18.

Penalty—Imprisonment for three years.

(2) A party to a contract or an agreement mentioned in subsection (1) of this section, 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 three years.

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

Heading substituted by No. 70 of 1975, s. 20.  
Changes affecting existing bodies corporate. Added by No. 58 of 1952, s. 10. Substituted by No. 70 of 1975, s. 20.

*Division 2.—Functions of the Commission.*

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.

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(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 three of the West Australian Meat Export Works Act, 1942, 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.

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, license and bailment;

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

Power of Board relating to property. Added 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.

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

(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;

Maintenance and management of Midland Junction Abattoir, etc.

(b) for the purposes of carrying out the objects of this Act in relation to abattoirs, sale-yards, and other undertakings, trading and activities in the meat industry—

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- (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) to engage in trade in meat, meat products and livestock;
- (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 ten thousands dollars or such lesser figure as he may from time to time direct to acquire or to dispose of land, buildings, plant or equipment.

(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 authorised 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 authorised by subsection (3) of this section 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.

15A. (1) The Commission shall not borrow money otherwise than in accordance with subparagraph (v) of paragraph (b) of subsection (2) of section fifteen of this Act or subsection (3) of section seventeen of this Act.

Borrowing  
by the  
Board.  
Added by  
No. 64 of  
1964, s. 3.  
Amended by  
No. 70 of  
1975, s. 22.

(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 subparagraph (v) of paragraph (b) of subsection (2) of section fifteen of this Act 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 Public Account, which account 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 Public Account.

Costs of administration.  
Added by No. 58 of 1952, s. 10.  
Repealed and re-enacted by No. 70 of 1975, s. 23.

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 seventeen of this Act.

The Fund.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 64 of 1964, s. 4;  
No. 70 of 1975, s. 24.

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 subparagraph (v) of paragraph (b) of subsection (2) of section fifteen of this Act;
  - (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 Treasurer may advance to the Commission the amount required in order to enable the Commission to do so.
- (b) The amount of an advance made under paragraph (a) of this subsection 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.

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.

Power to invest.  
Added 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.*

Div. 3 added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 26.  
Transfer of functions.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 27.

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, 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, 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.

Transition provisions.

(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 authorised to carry on and complete it.

No abatement of legal proceedings.

(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) of this section.

(5) [*Repealed by No. 70 of 1975, s. 27.*]

(6) [*Repealed by No. 70 of 1975, s. 27.*]

## Division 4.—Accounts and Miscellaneous.

20. (1) The Commission shall keep true and regular records of accounts—

Keeping and inspection of records of accounts.

Added by No. 58 of 1952, s. 10. Amended by No. 70 of 1975, s. 28.

(a) of the sums of money received and paid by the Commission and owing to and by the Commission and the respective purposes for which the sums have been received or paid or are owing; and

(b) of the assets and liabilities, and profits and losses of the Commission.

(2) The records of accounts shall be open to the inspection of the Auditor General and any person authorised by him to inspect them, and he may take copies or extracts from them.

21. The records of accounts of the Commission shall be balanced every year on the thirtieth day of June.

Accounts to be balanced.

Added by No. 58 of 1952, s. 10.

Amended by No. 70 of 1975, s. 29.

22. (1) The Commission shall, in every year, cause a full and true balance sheet of its assets and liabilities, together with a trading account and such other statements as the Auditor General directs to be compiled from the records of the accounts, and to be submitted to the Auditor General for audit.

Accounts to be audited.

Added by No. 58 of 1952, s. 10.

Amended by No. 70 of 1975, s. 30.

(2) The balance sheet and statement shall be so prepared as to show fully and faithfully the financial results of the operations for the year.

(3) If the Auditor General is of opinion that—

(a) the accounts are or are not properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the records of the accounts; and

- (b) all items of receipts and payments and all known liabilities and assets have or have not been brought into account and the value of all assets have or have not been fairly stated,

he shall issue his certificate accordingly.

- (4) The Auditor General may, in respect of the accounts, exercise the powers conferred on him by the Audit Act, 1904-1950.<sup>1</sup>

Annual report.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

23. The Commission shall prepare an annual report of its proceedings and operations during the preceding year, which report, together with copies of the balance sheet and statements of account then last prepared and audited and the Auditor General's report thereon, shall be laid by the Minister before both Houses of Parliament as soon as practicable in each year.

Commission to confer and co-operate with other departments.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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.

Protection of members, officers, etc.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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

<sup>1</sup> Now Audit Act, 1904-1966.

powers or in the performance of his duties under this or any other Act, shall not subject him to personal liability.

26. [Added by No. 58 of 1952, s. 10. Repealed by No. 73 of 1954, s. 8.]

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.

Plaintiff in action for personal injuries to submit to medical examination.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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.

Judicial notice of common seal.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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.

Service of notices and legal proceedings.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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 authorised by the regulations to sign it.

Documents, how authenticated.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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.

Power to direct prosecutions.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

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.

Power of officer to represent Commission.  
Added by No. 58 of 1952, s. 10.  
Amended by No. 70 of 1975, s. 31.

Proof of certain matters not required. Added by No. 58 of 1952, s. 10. Amended by No. 70 of 1975, s. 31.

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.

Evidence of documents issued by the Commission. Added by No. 58 of 1952, s. 10. Amended by No. 70 of 1975, s. 31.

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 authorised 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.

Preservation of rights. Added by No. 58 of 1952, s. 10. Amended by No. 70 of 1975, s. 31.

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, the Superannuation Act, 1871, 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.

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.

Commission not to be subject to rates, etc. Added by No. 58 of 1852, s. 10. Cf No. 23 of 1904, s. 79.

SCHEDULE.

[*Repealed by No. 70 of 1975, s. 32.*]