

BUTCHERS ORDINANCE, 1912.⁽¹⁾

An Ordinance to amend the Law relating to the Slaughtering of Cattle, and for other purposes.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Butchers Ordinance*, 1912.⁽¹⁾ Short title.

2. The several enactments mentioned in the First Schedule hereto are hereby repealed. Repeal.
First Schedule.

3. In this Ordinance unless the contrary intention appears— Interpretation.
 - (a) “animal” includes any horse mare gelding filly ass mule bull cow ox heifer steer calf ram ewe sheep lamb goat or pig; Q. 14 Vic.
No. 30, s. 29,
altered.
 - (b) “cattle” includes any animal;
 - (c) “die of any disease” shall be held to apply to all cases of death other than deaths caused by killing and slaughtering;
 - (d) “township” includes the towns of Buna Daru Port Moresby Samarai and any town⁽²⁾ to which the provisions of the *Police Offences Ordinance*, 1912⁽³⁾ may be extended by proclamation.

(1) The *Butchers Ordinance*, 1912, comprises the original *Butchers Ordinance*, 1912, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua <i>Govt. Gaz.</i>	Date on which came into operation.
<i>Butchers Ordinance</i> , 1912 (No. 30 of 1912)	16.7.1912 ^(a)	—	—	16.7.1912 (<i>Statute Law of Papua</i> , 1888 to 1916, Vol. II, p. 55)
<i>Ordinances Revision Ordinance</i> , 1913 (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (<i>Papua Govt. Gaz.</i> of 4.2.1914)

(a) No notice of non-disallowance by Gov.-Gen. in Council has been published in Papua *Govt. Gaz.*

(2) For particulars of towns to which the provisions of the *Police Offences Ordinance*, 1912-1939, have been extended, see the Table printed on p. 1464, and the proclamations printed immediately thereafter.

(3) Now the *Police Offences Ordinance*, 1912-1939.

HEALTH—

Q. 5 Wm. IV.
No. 1, s. 1,
altered.

4.—(1.) No person shall keep a slaughter-house or place for slaughtering cattle unless it is duly licensed.

(2.) If any person shall slaughter or cause to be slaughtered any cattle anywhere other than in a licensed slaughter-house he shall be liable on conviction to a penalty of ten pounds for each and every head of cattle so slaughtered.

Lieutenant-Governor in Council may appoint slaughter-houses for townships.
S.A. No. 5 of 1840, s. 2.

5.—(1.) The Lieutenant-Governor in Council⁽⁴⁾ may by proclamation⁽⁵⁾ declare that any slaughter-house within any township or near thereto shall be a public slaughter-house for such period as he shall in that behalf appoint and that during such period all cattle slaughtered within such township or within one mile thereof shall be slaughtered at such slaughter-house only.

(2.) After such proclamation shall have been published in the *Gazette* any person who shall slaughter or cause to be slaughtered any cattle in any such township or within one mile thereof except in such public slaughter-house shall be liable on conviction to a penalty of ten pounds for each and every head of cattle so slaughtered.

Licences, how applied for.
Q. 5 Wm. IV.
No. 1, s. 2.
Second Schedule.

6.—(1.) Any person who shall be desirous of obtaining a licence for a slaughter-house or place for slaughtering cattle shall ten days before the first Tuesday in any month deliver a notice in writing in the form of the Second Schedule hereto or to the like effect to the clerk or the person acting as clerk of the court of petty sessions nearest to his usual place of residence of his intention to apply for such licence and shall describe in such notice the house or place for which the licence is desired.

(2.) The application shall be considered at a sitting of such court of petty sessions to be held on the first Tuesday in the month next following the delivery of such notice or at some adjournment thereof.

(3.) If the said court be satisfied that the applicant is a person of good character and that the place proposed to be licensed is in a convenient and desirable situation it may grant the applicant a licence under the hand of the magistrate presiding at such court in the form of the Third Schedule hereto.

Third Schedule.

(4.) The licence shall be in force from the date thereof until the thirty-first day of December following the granting thereof and a fee of five shillings shall be paid therefor.

Licences under repealed Ordinances not renewable thereunder.

7. Licences issued under any Ordinance hereby repealed shall not be renewed thereunder but a new licence may be granted in lieu thereof under this Ordinance.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(5) No proclamation has been published in *Papua Govt. Gaz.*

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8. Every keeper of a licensed slaughter-house or place for slaughtering cattle shall keep a book in which he shall enter a true and particular account and description of all cattle slaughtered in such house or place specifying the colour marks brands sex and apparent age of such cattle and if purchased the name of the person from whom the same were purchased and the time of slaughter; and shall transmit a report of all the cattle slaughtered with the particulars above stated monthly in writing signed by him to the clerk of the court of petty sessions nearest to the said slaughter-house. If any such keeper fails to comply with the provisions of this section or to produce such book or record when required by any justice of the peace or European officer or constable of police he shall be liable on conviction to a penalty of not exceeding ten pounds.
- Slaughter-house keeper to keep a book.
Q. 5 Wm. IV. No. 1, s. 6.

To report monthly.

Penalty.
9. Nothing hereinbefore contained shall extend to any person other than a licensed publican slaughtering at his own residence or farm for his own domestic consumption or for the consumption of his servants or labourers.
- Slaughter of cattle for domestic use.
Q. *Ib.* s. 7.
10. Any justice of the peace or European officer or constable of police may demand the skins of any cattle that have been slaughtered within one month previous to the date of such demand or a full and satisfactory account to whom the skins have been sold or in what manner disposed of:
- Production of skins or an account of their disposal.
Q. *Ib.* s. 8.
- Any person who upon such demand refuses or neglects to produce such skins or give such account shall be liable on conviction to a penalty not exceeding ten pounds.
11. Any person who shall cut burn or otherwise deface or destroy any brand which shall have been upon any skin or shall be in possession of such skin from which the brand shall have been cut or burnt or otherwise destroyed or defaced without giving a satisfactory account thereof shall upon conviction be liable to a penalty of ten pounds.
- Defacing brands.
Q. *Ib.* s. 9.
12. Every tanner or other person purchasing a raw hide or skin from which any brand shall have been cut or burnt out destroyed or defaced shall on conviction be liable to a penalty of ten pounds.
- Tanners and others purchasing hides with defaced brands.
Q. *Ib.* s. 10.
13. Any justice of the peace or European officer or constable of police may enter any house or place licensed as aforesaid at any time of the day or night when there may be a reasonable cause to suspect that stolen cattle have been slaughtered and to make such search and inquiry therein as shall seem necessary for the discovery of the offence and the offender.
- Justices, &c., may enter licensed premises.
Q. *Ib.* s. 11.

HEALTH—

Notice to cleanse buildings.

Q. 14 Vic. No. 30, s. 7, altered.

14. If upon the certificate of any Government medical officer of the Territory it shall appear to a resident or assistant resident magistrate that any place kept or used for the sale of butchers' meat or as a place for slaughtering cattle or the premises occupied with the same or appurtenant thereto is in such a filthy or unwholesome condition that the health of any person is likely to be injuriously affected or endangered thereby or that the whitewashing cleansing or purifying of such place or premises would tend to check or prevent disease the said magistrate shall give notice to the owner or occupier of such place or premises to whitewash cleanse or purify the same as the case may require within a time to be stated in such notice. If the person to whom such notice is given fail to comply therewith he shall be liable on conviction to a penalty not exceeding ten pounds for every day during which he continues to make default.

Slaughter-houses, &c., to be kept in a sanitary condition.

Q. Ib. s. 11, altered.

15. Every slaughter-house or place where cattle are slaughtered within the limits or reputed limits of any township shall be kept in a clean well-drained and sanitary condition and every such slaughter-house and place shall be thoroughly washed and cleansed within one hour after any animal shall be slaughtered therein and the blood offal and filth of every such animal shall be removed within twelve hours after the slaughtering of such animal. Any owner or occupier of any such slaughter-house or place who shall fail to comply with any of the provisions of this section shall on conviction be liable to a penalty of not exceeding ten pounds.

Justice, &c. may enter premises and inspect meat &c.

Q. Ib. s. 10.

16.—(1.) Any justice of the peace or European officer or constable of police may at all reasonable times with or without assistants enter into and inspect any building or place kept or used for the sale of butchers' meat or as a slaughter-house or place for slaughtering cattle and to⁽⁶⁾ examine any animal carcase meat or flesh which may be therein.

(2.) In case any such animal carcase meat or flesh appear to him to be intended for the food of mankind and to be unfit for such food such justice of the peace officer or constable of police may seize and carry away the same.

(3.) If upon any complaint it shall appear to a court of petty sessions that such animal carcase meat or flesh is unfit for the food of mankind the court shall order the same to be destroyed and the person to whom such animal carcase meat or flesh belongs or in whose custody the same is found shall be liable to a penalty not exceeding ten pounds for every animal carcase piece of meat or flesh so found.

Evidence of slaughtering.

Q. Ib. s. 12.

17. The finding of any animal on the premises of any butcher or other person under circumstances denoting an intention of

(6) The word "to" appeared in the original Ordinance. *Semle*, "may" was intended.

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slaughtering such animal shall be deemed evidence of such slaughtering unless otherwise disproved by the person accused.

18. Nothing in this Ordinance shall be construed to render lawful any act matter or thing whatsoever which but for this Ordinance would be deemed to be a nuisance nor to exempt any person from any action liability prosecution or punishment to which such person would have been otherwise subject in respect thereof.

Present law as to nuisances.
Q. 14 Vic.
No. 30, s. 13.

19. If any animal shall die of any disease in any slaughter-house situated in any township or in any public slaughter-house proclaimed under this Ordinance or in any yard or premises connected therewith respectively and the owner or occupier of such slaughter-house or of such animal shall not cause the same to be immediately removed to some convenient place and there without delay destroyed by fire he shall be liable on conviction to a penalty not exceeding fifty pounds.

Cattle dying in slaughter-house in township to be destroyed, &c.
Q. 15 Vic.
No. 13, s. 1,
altered.

20. If any animal shall die of any disease in any part of any township not being a slaughter-house or public slaughter-house nor any yard or premises connected therewith and the owner of such animal or the occupier of the place where such animal shall have died shall not immediately cause such animal to be removed to some convenient place and destroyed by fire every such owner or occupier shall on conviction be liable to a penalty not exceeding ten pounds.

Cattle dying elsewhere in township to be destroyed, &c.
Q. *Ib.* s. 2.

21. If the owner or occupier of any slaughter-house in any part of the Territory used for the slaughter of animals intended for human food shall knowingly cause or permit or suffer any animal affected with any disease affecting the melt or spleen to be slaughtered in any such slaughter-house or if after the slaughter thereof the melt or spleen of such animal shall be found to be diseased and such owner or occupier shall not immediately thereupon cause the entire carcase to be removed and destroyed by fire he shall be liable on conviction to a penalty not exceeding fifty pounds.

Penalty for slaughtering diseased cattle.
Q. *Ib.* s. 6.

22. If upon the hearing of any complaint under the three last preceding sections such owner or occupier shall prove to the satisfaction of the court that he has not been guilty of undue negligence such complaint shall be thereupon dismissed.

Exemptions in certain cases.
Q. *Ib.* ss. 1, 4,
6.

23. If any person shall designedly blow with his breath into or upon any meat intended for sale or shall eject any suet liquid matter or other substance from his mouth thereon he shall for every such offence be liable on conviction to a penalty not exceeding twenty pounds.

Blowing meat.
Q. *Ib.* s. 8.

HEALTH—

Destruction of animals dying in public places.
Q. 15 Vic.
No. 13, s. 11.

24. If any animal shall die upon any road or public place in the Territory and the owner or the person in charge of such animal at the time shall not immediately cause such animal to be destroyed by fire upon the spot he shall be liable on conviction to a penalty not exceeding ten pounds.

On neglect, &c., to destroy animals, constables, &c., may do so.
Q. 1b. s. 13.

25. In case of the neglect or refusal of any person whose duty it shall be under this Ordinance to destroy any animal to perform such duty it shall be lawful for any European officer or constable of police to cause such animal to be destroyed at the cost of such person such costs to be recovered on complaint in a summary way.

Recovery of penalties.
Q. 1b. s. 14.

26. All penalties imposed under this Ordinance may be sued for and recovered in a summary way.

Where penalties not paid.
Q. 1b. s. 18.
Inserted by No. 3 of 1914, s. 3 and Second Schedule.

26A. In the event of any penalty imposed under this Ordinance not being paid or satisfied according to law the person adjudged to pay the same shall be liable to imprisonment with or without hard labour for any period not exceeding six months.

Regulations regarding public slaughter-houses.

27. The Lieutenant-Governor in Council⁽⁴⁾ may make regulations⁽⁷⁾ prescribing the rent or fees to be paid for the use of the times and methods for slaughtering in and the management and control of public slaughter-houses.

Limitation of actions.

28. Any actions in respect of anything done in pursuance of the provisions of this Ordinance shall be brought within three months after its cause shall have arisen.

Limitation of prosecutions.

29. No prosecution shall be commenced by reason of the breach of any of the provisions of this Ordinance after the lapse of three months from the occurrence of such breach.

SCHEDULES.

FIRST SCHEDULE.

Enactments Repealed.

- 5 Wm. IV. No. 1 (Queensland adopted)—intituled “An Act for Regulating the Slaughtering of Cattle.”
- 7 Vic. No. 2 (Queensland adopted)—intituled “An Act to amend an Act for Regulating the Slaughtering of Cattle.”
- 14 Vic. No. 30 (Queensland adopted)—intituled “An Act to amend the law relating to the Slaughtering of Sheep, Cattle, and other animals within the Colony of New South Wales, and for the prevention and removal of certain Nuisances therein.”
- 15 Vic. No. 13 (Queensland adopted)—intituled “An Act to amend the Laws for the Slaughtering of Cattle and to secure the immediate Destruction of Animals dying of Disease.”
- 41 Vic. No. 1 (Queensland adopted)—intituled “An Act further to extend certain provisions of the Laws for the Slaughtering of Cattle.”

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(7) No regulations have been made.

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SECOND SCHEDULE.

Sec. 6 (1).

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Notice of intention to apply for Licence.

To the Clerk of Petty Sessions at

I, _____ now residing at _____, give notice that I intend to apply to the abovenamed Court on the first Tuesday of next month for a licence for slaughtering cattle at my _____, situated in [describe situation].

Dated the _____ day of _____, 19____ Applicant.

THIRD SCHEDULE.

Sec. 6 (3).

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Licence for Slaughtering Cattle.

I, THE UNDERSIGNED, being the Magistrate presiding at the Court of Petty Sessions held at _____, this day hereby certify that _____ of _____, is hereby licensed to slaughter cattle in his _____, situated in _____, and that this licence is to remain in force from the date hereof, until the thirty-first day of December, 19____.

Dated the _____ day of _____, 19____

Resident Magistrate,

or

Assistant Resident Magistrate.

Fee 5s.

