

No. , 1912.

A BILL

To regulate the size and description of cases used in the sale and export of fruit and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Fruit Cases Act, 1912," and shall come into operation on the first day of

Short title and commencement.

2. In this Act unless inconsistent with the subject-matter or context—

Interpretation.

"Case" means any box, case, or receptacle used, or capable of being used, or intended to be used, for containing fruit ;

Case.
Vic. Act No. 2,059,
s. 2.

"Disease" means any disease which the Governor by proclamation in the Gazette declares to be a disease within the meaning of this Act, and whether or not caused by or consisting of the presence of insect or fungus.

Disease.

"Fruit" means apples, apricots, bananas, cherries, currants, figs, gooseberries, grapes, loquats, lemons, nectarines, oranges, passion-fruit,

Fruit.

passion-fruit, peaches, pears, persimmons, pineapples, plums, quinces, or tomatoes, or any fruit declared by the Governor by notice in the Gazette to be fruit within the meaning of the Act ;

“ Sell ” includes barter, and also includes offers or attempts to sell, or exposing for sale, or receiving for sale, or sending, forwarding, or delivering for sale.

Non-application
cf. Vic. Act No.
2,059, s. 3.

3. The restrictions contained in this Act shall not apply—

- (a) to the sale or export of fruit in a tray, basket, cask, or bucket of any shape or size whatsoever ; or
- (b) to the sale or export of fruit in a crate within which there are trays for such fruit.

Every package referred to in paragraphs (a) and (b) of this section shall have the weights or numbers of its contents legibly marked on such package.

Size of cases for sale
of fruit.
cf. *Ibid.* s. 4.

4. Where any fruit is sold in a case in New South Wales, or exported in a case from New South Wales to any other place within the Commonwealth, such case shall be of a size, measurement, and capacity as provided in the regulations.

Cases to be clean.
cf. *Ibid.* s. 4.

5. (1) Where fruit is sold in a case within the State, such case shall be either new or shall be clean and free from any insect or fungus disease.

New cases to be
used for export.
cf. *Ibid.* s. 5.

(2) Where any fruit is exported in a case from New South Wales to any place within the Commonwealth such fruit shall be contained only in a case which has not previously been used for any purpose whatsoever.

Case to show
maker's name,
address, and
guarantee.
cf. *Ibid.* s. 6.

6. (1) No person shall sell fruit in a case or export or attempt to export from New South Wales to any place within the Commonwealth fruit in a case unless and until such case has been legibly and durably impressed, printed, or marked at each end on the outside of such case—

- (a) with the name and address of the maker of the case; and
- (b) with the words “ Guaranteed by maker to contain two imperial bushels,” or “ Guaranteed by maker to contain one imperial bushel,” or “ Guaranteed by maker to contain one-half an imperial bushel,” or “ Guaranteed by maker to contain one-quarter an imperial bushel,” as the size of such case may warrant.

(2) The name, address, and guarantee as aforesaid of the maker of a case shall be legibly and durably impressed, printed, or marked at each end on the outside within a space measuring not more than three inches long and one and a half inch wide.

7. (1) Proceedings may be taken against any person who offends against any of the provisions of this Act— Enforcement of Act by Inspectors, &c. cf. Vic. Act No. 2,059, s. 7.

- (a) by any inspector under the Vines and Vegetation Diseases Act, 1901, or Fruit Pests Act, 1906 (if so authorised by the Minister either generally or specifically).
- (b) by any member of the police force.

(2) For the purpose of ascertaining whether the provisions of this Act are being complied with, any such inspector or any member of the police force may at any time board any vessel or enter any market, shop, store, warehouse, factory, stall, yard, shed, vehicle, stand, premises, or place whatever.

(3) In proceedings for an offence against any of the provisions of this Act— Evidence.

- (a) no proof shall be required of any order to prosecute or of the authority or appointment of any inspector or of any member of the police force; and
- (b) it shall lie on the defendant to prove that in respect of any case the provisions of this Act have been complied with.

8. If any person—

- (a) sells or exports or attempts to export or is concerned in exporting or attempting to export from New South Wales to any place within the Commonwealth fruit in a case in respect of which any of the provisions of this Act are not complied with; or Penalty for contravention. cf. Ibid. s. 8.
- (b) resists or wilfully obstructs any such inspector authorised as aforesaid, or any member of the police force, in the course of carrying out any of the provisions of this Act; or Penalty for obstructing inspector, &c.
- (c) refuses to give information or wilfully or knowingly gives false information in answer to any reasonable inquiry made by any such inspector or any member of the police force for the purposes of this Act; or
- (d) places or permits or causes to be placed on a case a guarantee which is incorrect or untrue, or sells or exports or attempts to export or is concerned in exporting or attempting to export to any place within the Commonwealth from New South Wales fruit in a case on which there is an incorrect or untrue guarantee,

he shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty of not more than five pounds for a first offence and of not less than two pounds or more than fifty pounds for every subsequent offence.

Penalties for altering
or tampering with
cases or brands.

cf. Act Vic. No.
2,059, s. 9.

Regulations.
cf. *Ibid.* s. 10.

Publication.

9. If any person alters the size of or tampers with any case bearing the maker's name, address, and guarantee, or wilfully defaces or alters or tampers with the maker's name, address, or guarantee, or sells fruit in an unclean case or in a case infected with either insect or fungus disease, he shall be liable, on conviction, to a penalty not exceeding fifty pounds, or to be imprisoned for any term not exceeding twelve months.

10. (1) The Governor may make regulations for the purpose of giving effect to this Act, and may by such regulations impose a penalty not exceeding ten pounds for any breach thereof.

(2) All such regulations when made by the Governor shall be published in the Gazette, and when so published shall have the force of law and shall be judicially noticed, and shall be laid before both Houses of Parliament within fourteen days after the same shall have been made if Parliament be then sitting, and if not then within fourteen days after the next meeting of Parliament.

[3*d*].