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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1915.

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## A BILL

To regulate the sale of foods for stock and other animals ; and for purposes consequent thereon or incidental thereto.

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**B**E 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 :—

*Preliminary.*

**1.** This Act may be cited as the "Stock Food Act, 1915." Short title and commencement.

This Act shall commence and come into operation on the day of , 19 .

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

Interpre-  
tation.

Act No. 2183  
(Vic.) s. 2.

“By-products” includes husks, bran, pollard, brewers’ grains, and materials produced from any kind of grain in any process of treatment or manufacture, not being the primary object of such process.

“Chaff” means hay or straw cut into short lengths.

“Foreign ingredients” includes substances which from time to time are prescribed by regulations.

“Hay” means any dried cereal, legume, or grass from which the grain or seed has not been removed.

“Hay chaff” means chaff consisting only of hay.

“Minister” means Minister of Agriculture.

“Mixed chaff” means a mixture of hay chaff and straw chaff in any proportion.

“Mixed, concentrated, or prepared stock food” includes—

(a) all kinds of meals and food for stock prepared whether in whole or in part from one or more kinds of grain or oils or juices or meats or otherwise;

(b) compressed fodder; and

(c) condimental patented or proprietary stock foods claimed to possess nutritive properties or nutritive as well as medicinal properties.

“Prescribed” means prescribed by this Act.

“Stock” means any animal of the kind or species to which any of the following animals belong—horse, cow, sheep, pig, mule, ass, goat, domestic fowl, turkey, duck, or goose.

“Stock food” includes hay, straw, chaff, grain, mixed concentrated or prepared stock food, and by-products.

“Straw” means any dried cereal, legume, or grass from which the seed or grain has been removed or which has been stripped or threshed.

“Straw chaff” means chaff made from straw.

“This Act” includes any regulation under this Act.

“Parcel” includes sack, barrel, case, and package.

“Vendor” means any person who sells or offers or exposes for sale any stock food.

*Sale*

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*Sale of stock food.*

3. The sale of mixed chaff is hereby prohibited. Mixed chaff.  
Act No. 2183  
(Vic.) s. 3.
4. In all sales, contracts, or agreements for the sale or delivery of chaff, such chaff, in the absence of a written agreement to the contrary, shall be presumed to be hay chaff; and any person who sells or contracts or agrees to sell or deliver chaff shall, in the absence of such a written agreement to the contrary, be guilty of an offence against this Act, if the chaff so sold or contracted for is not hay chaff; and shall on conviction be liable for a first offence to a penalty not exceeding *twenty* pounds, and for a second offence to a penalty of not less than *ten* or more than *fifty* pounds, and for each subsequent offence to a penalty of not less than *twenty* or more than *one hundred* pounds, or imprisonment for a term not exceeding *six* months, or to both such penalty and imprisonment. Chaff when offered for sale to be deemed hay chaff, unless otherwise stated.  
*Ibid.* s. 4.  
Penalty.
5. The proportion or amount of foreign ingredients which may be contained in any kind of stock food, and the character of such foreign ingredients may be prescribed by regulations. Foreign ingredients.  
*Ibid.* s. 5.
6. (1) Every invoice, agreement, circular, or advertisement relating to stock food, shall state specifically the materials of which such stock food consists. Invoice, &c., to constitute a warranty.  
*Ibid.* s. 6.
  - (2) Such statement in any invoice, agreement, circular, or advertisement as aforesaid shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor that such stock food consists solely of the materials so specified and contains no greater proportion or amount of foreign ingredients than is prescribed.
7. Every invoice, agreement, circular, or advertisement relating to any mixed, concentrated, or prepared stock food, or to by-products— Invoices, &c., as to mixed foods.  
*Ibid.* s. 7.
  - (a) shall state specifically the original grain or materials from which such food or by-products were prepared; and
  - (b) shall constitute a warranty by the vendor that such food or by-products are prepared only from

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from the specified original grain or materials, and also that such food or by-products are suitable as food for stock, and, in the case of any agreement, circular, or advertisement, for the particular kind of stock (if any) specified therein.

8. Upon the sale of any stock food (whether paid for at the time of sale or not) the vendor shall, at the time of sale or within seven days after delivery of the stock food or any part thereof, give to the purchaser an invoice containing the statements required by this Act.

Invoice to be given by vendor.  
Act No. 2183 (Vic.), s. 8.

9. Any person—

Offences and penalties.  
Ibid. s. 9.

- (a) who sells or prepares for sale any hay chaff and who mixes therewith any straw chaff;
- (b) who sells or prepares for sale or offers or exposes for sale or contracts or agrees to sell or deliver any mixed chaff;
- (c) who sells or offers or exposes for sale or contracts or agrees to sell or deliver any stock food which contains a larger proportion or amount of foreign ingredients than is prescribed;
- (d) who being the vendor of any stock food fails, neglects, or refuses to give to the purchaser an invoice as required by this Act, or sells or delivers to the purchaser any stock food which does not consist solely of the materials specified in any invoice, agreement, circular, or advertisement relating thereto; or
- (e) who improperly tampers with any sample or part of a sample taken under this Act,

shall be guilty of an offence against this Act, and shall on conviction be liable for a first offence to a penalty not exceeding *twenty* pounds, and for a second offence a penalty of not less than *ten* or more than *fifty* pounds, and for each subsequent offence to a penalty of not less than *twenty* or more than *one hundred* pounds, or imprisonment for a term not exceeding *six* months, or to both such penalty and imprisonment.

*Inspection,*

*Inspection, sampling, and analysis.*

**10.** (1) For the purpose of ascertaining whether the provisions of this Act are being complied with, any officer either generally or specifically appointed by the Minister in writing—

Power of officer to enter premises and take samples.  
Act No. 2183  
(Vic.), s. 10.

(a) shall have free access at any reasonable time to any building or premises where stock food is prepared or sold or offered or exposed for sale, or to any portion of any farm or land where any such stock food is kept for sale; and

(b) may examine and on payment of the ordinary market price therefor take for analysis portions of any such stock food as samples from any parcel, whether in or on any such building, premises, farm, or land, or from any vehicle.

(2) Such samples shall be of the weight required by this Act, and shall if possible be taken in the presence of the vendor or his agent, or of the person having the possession of such stock food, or his agent, and shall be taken from parcels comprising not less than ten per centum of each whole lot sampled.

(3) The several portions taken from the whole lot of any one kind of stock food sampled shall be thoroughly mixed and then divided into three approximately equal parts. A label shall be placed on each such part stating the name of the vendor or the person having possession of the lot from which such sample was drawn and the time and place of taking. Such label shall be signed by the person taking such sample and also where practicable by the vendor or person having charge of the lot from which such sample was taken.

(4) Each of such parts shall be marked and sealed or fastened up in such manner as its nature will permit; and two of such parts shall be forwarded by such officer to the Department of Agriculture, and one shall be retained by such vendor or person.

(5) Of the parts forwarded to the said department one shall be for analysis and for comparison with the invoice, agreement, circular, or advertisement relating thereto, and the other shall be retained by the said department.

**11.** (1) If the vendor or his agent or the person having the possession of such stock food or his agent fails to attend the taking of the samples when notified so to do, the said officer may proceed to take such samples in the absence of any such vendor or person.

Power to take samples in absence of vendor.  
Act No. 2183 (Vic.), s. 11.

(2) Where the officer has so taken any samples in the absence of such vendor or person or agent he shall forthwith—

Notice to vendor.

- (a) give notice in writing of such taking to the vendor or his agent or the person having possession of the lot from which the samples were taken or his agent; and
- (b) deliver or forward one part marked sealed or fastened up in such a manner as its nature will permit to the vendor or his agent or to such person or his agent.

Portion of sample to be sent to vendor.

**12.** (1) Any purchaser of stock food shall on payment to the Department of Agriculture of the prescribed fee be entitled to have such stock food analysed by the said department and to receive from the said department a certificate of the results of such analysis.

Power to submit samples of stock food for analysis.  
*Ibid.* s. 12.

(2) Any such purchaser intending to submit such stock food for analysis shall within seven days after the delivery of such stock food give notice in writing to the vendor of his intention to have the same analysed and in such notice shall offer to take and divide at any time within seven days after the service of the notice and in the presence of the vendor or his agent a sample of such stock food.

(3) Such notice may be sent by registered letter through the post addressed to the vendor to his address as stated in the invoice or to his agent to the usual place of business of the agent.

(4) If the vendor or his agent does not within seven days after the service of the notice accept the offer of the purchaser to take and divide a sample of the stock food in his presence, or in that of his agent, or does not attend personally or by agent at any time or place appointed by the purchaser for the purpose, the purchaser may forthwith, but not later than fourteen days after the service of the notice, take a sample of such stock food.

(5)

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(5) Every sample taken under this section for purposes of analysis shall be of the weight required by this Act.

(6) The several portions taken from the whole lot of stock food sampled shall be thoroughly mixed and then divided into three approximately equal parts. A label shall be placed on each such part stating the name of the vendor of the lot from which such sample was drawn and the time and place of taking. Such label shall be signed by the person taking such sample.

(7) Each of such parts shall be marked and sealed or fastened up in such manner as its nature will permit; and two of such parts shall be forwarded by such person to the Department of Agriculture, and one shall be delivered or forwarded to the vendor.

(8) Of the parts forwarded to the said department one shall be for analysis and for comparison with the invoice, agreement, circular, or advertisement relating thereto, and the other shall be retained by the said department.

**13.** (1) For the purposes of this Act—

(a) a sample of hay straw or chaff shall mean any quantity not less than eighty-four pounds in weight; and

(b) a sample of grain or mixed concentrated and prepared stock food or by-products shall mean any quantity not less than twenty pounds.

Meaning of sample of hay straw or chaff.

Act No. 2183 (Vic.), s. 13.

(2) Where in any prosecution or proceeding under this Act a contravention of any of the provisions of this Act is proved in regard to any such sample or any part thereof such contravention shall be deemed to have been proved with regard to the whole lot from which the sample was taken.

*General and supplemental.*

**14.** (1) The purchaser of any stock food may be required to state the name and address of the vendor from whom he purchased such stock food and the price charged or paid therefor and also to produce for inspection any invoice, circular, advertisement, or agreement given to him by the vendor.

Power to demand information. *Ibid.* s. 15.

(2)

(2) Any person who withholds any such information, or fails so to produce such invoice, circular, advertisement, or agreement, or obstructs the said officer or any member of the police force in the execution of any of his duties under this Act shall be guilty of an offence against this Act.

Penalty for obstruction.

**15.** In any proceedings against any person for an offence against this Act the production of the certificate of the Department of Agriculture shall, where a copy of such certificate containing a statement of the effect of this section has been served with the summons, be sufficient evidence of the facts therein set out unless the defendant, within seventy-two hours after the service of the summons, has notified the informant that he requires that an officer of the said department shall be called as a witness, and that the parts of the sample in the possession respectively of the said department or of the vendor or his agent as hereinbefore mentioned, shall be produced. Service of the copy of the said certificate may be proved in the same manner as service of the summons.

Certificate of chemist.  
Act No. 2183  
(Vic.), s. 17.

**16.** Where an offence for which a vendor is liable to a penalty has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the like penalty as if he were the vendor.

Penalty on person actually committing offence.  
*Ibid.* s. 19.

**17.** (1) Where a vendor is charged with an offence against any of the provisions of this Act he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the hearing of the charge, and if after the commission of the offence has been proved the vendor proves to the satisfaction of the court—

Exemption of employer from penalty on conviction of actual offender.  
*Ibid.* s. 20.

- (a) that he had used due diligence to enforce the execution of this Act; and
- (b) that the said other person had committed the offence in question without his knowledge, consent, or connivance, and in contravention of his orders the said other person shall be summarily convicted of such offence, and the said

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said vendor shall be exempt from any penalty. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) Where it is made to appear—

- (a) that the vendor has used all due diligence to enforce the execution of this Act; and
- (b) by what person the offence has been committed; and
- (c) that it has been committed without the knowledge, consent, or connivance of the vendor, and in contravention of his orders,

proceedings shall be taken against the person who appears to be the actual offender.

**18.** (1) The Governor may make regulations for carrying out the purposes of this Act. Such regulations shall be published in the Gazette, and shall thereupon, but not sooner or otherwise, have the force of law. All regulations shall be laid before both Houses of Parliament within fourteen days after publication, as aforesaid, if Parliament be then sitting; but if Parliament be not sitting, then within fourteen days after next meeting of Parliament.

Power to make regulations.  
Act No. 2183  
(Vic.), s. 21.

(2) Such regulations may prescribe fees for any analysis under this Act, and penalties not exceeding *ten* pounds for a contravention of any regulation.

(3) Such regulations may order that a copy of any regulation or regulations shall be kept constantly affixed in legible characters in or on some conspicuous place where it may be easily read by the persons employed in cutting, selling, or distributing stock food.

**19.** Any person who is guilty of any offence against this Act or is guilty of a contravention of or who fails to comply with any of the provisions of this Act shall, where no penalty is expressly provided therefor, be liable on conviction to a penalty not exceeding *ten* pounds.

Penalty for contraventions.  
*Ibid.* s. 18.

**20.** All offences against this Act, or any regulation made under this Act, in respect of which any penalty is imposed, and all proceedings for the recovery of any expenses or sum of money by this Act made payable

Prosecutions.  
*Ibid.* s. 14.

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or recoverable shall be heard and determined by and before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

**21.** Nothing contained in this Act, and no proceedings <sup>Saving.</sup> taken under this Act against any person, shall in any <sup>Act No. 2183</sup> way interfere with any right or remedy by civil process <sup>(Vic.), s. 16.</sup> which any person aggrieved by any contravention of any of the provisions of this Act might have had if this Act had not been passed.

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