

No. , 1920.

A BILL

To regulate the sale of foods for stock and other animals ; and for purposes consequent thereon and 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 :—

Preliminary.

1. This Act may be cited as the "Stock Food Act, 1920." Short title and commencement.

This Act shall commence and come into operation on the day of , one thousand nine hundred and

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Interpre-
tation.

cf. Act No.
2732 (Vic.),
s. 3.

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

- “ Bran ” means the outer skin of the wheat grain, pure, and without admixture of any kind.
- “ By-products ” includes husks, bran, pollard, 5
brewers’ grains, and stock food 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. 10
- “ Foreign ingredients ” includes substances (including by-products) which from time to time are prescribed by regulations.
- “ Hay ” means any plant dried for feeding stock, either cereal, legume, grass, or other fodder from 15
which the grain or seed has not been removed.
- “ Hay chaff ” means chaff consisting only of hay.
- “ Minister ” means Minister for Agriculture or the Minister to whom the administration of this Act is for the time being committed by the 20
Governor.
- “ Mixed chaff ” means a mixture of hay chaff and straw chaff in any proportion.
- “ Mixed, concentrated, or prepared stock food ” includes— 25
- (a) all kinds of meals and food for stock prepared whether in whole or in part from one or more kinds of grain, seeds, nuts, legumes, oils, juices, or meats or otherwise;
- (b) compressed fodder; and 30
- (c) condimental patented or proprietary stock foods claimed to possess nutritive properties or nutritive as well as medicinal properties.
- “ Parcel ” includes sack, barrel, case, bale, bundle, and package. 35
- “ Pollard ” means that portion of the wheat grain other than bran and flour, sufficiently fine to pass through a number twenty grit gauze, and which contains not less than fifty-four per centum of water extract obtained by washing 40
through a number eleven xx flour dressing silk.
- “ Prescribed ”

- “ Prescribed ” means prescribed by this Act or the regulations.
- “ Regulations ” means regulations made under this Act.
- 5 “ Stock ” means any animal of the kind or species to which any of the following animals belong —horse, cow, sheep, pig, mule, ass, camel, goat, dog, domestic fowl, turkey, duck, goose, pigeon, or caged bird.
- 10 “ Stock food ” includes hay, straw, chaff, grain, mixed concentrated or prepared stock food, and by-products.
- “ Straw ” means any plant dried for feeding stock, either cereal, legume, grass, or other fodder from which the seed or grain has been removed or which has been stripped or threshed.
- 15 “ Straw chaff ” means chaff made from straw.
- “ Vendor ” means any person who sells or offers or exposes for sale any stock food, and includes the agent of a vendor.
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Sale of stock food.

3. The sale of mixed chaff is hereby prohibited.

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.

Mixed chaff. Act No. 2732 (Vic.), s. 4.

Chaff when offered for sale to be deemed hay chaff, unless otherwise stated.

Ibid. s. 5.

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, and the weight or size of battens on bales of hay may be prescribed by regulations.

Foreign ingredients. cf. *Ibid.* s. 6.

6.

Invoice to be given by vendor.
cf. Act No. 2732 (Vic.), s. 9.

6. 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 forty-eight hours after the delivery of the stock food or any part thereof, give or send to the purchaser an invoice containing the statements required by this Act, unless such statements are printed on the parcel or package containing such stock food. Such invoice may be sent by post. 5

Contents of invoice or statement.
cf. *Ibid.* s. 7.

7. (1) Every invoice relating to, or statement printed on, a parcel or package containing stock food shall state specifically the ingredients of which such stock foods consist, and the proportions of all low grade stock foods or materials contained therein, such as oat clippings, oat hulls, wheat screenings, corn cobs, rice hulls, salt, sand, shell grit, charcoal, or any other stock food or material that may be prescribed by regulation. 10 15

(2) Such statement in any invoice or printed statement aforesaid shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor that such stock food consists solely of such materials, and in such proportions as are so stated, with no greater proportion or amount of foreign ingredients than is prescribed. 20

Invoices, &c., as to mixed foods.
cf. *Ibid.* s. 8.

8. Every invoice or printed statement relating to any mixed, concentrated, or prepared stock food, or to by-products— 25

(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 the specified original grain or materials, and also that such food or by-products are suitable as food for stock, and for the particular kind of stock (if any) specified therein. 30 35

Offences and penalties.
Ibid. s. 10.

9. Any person—

(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)

- (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;
- 5 (d) who sells or offers or exposes for sale or contracts or agrees to sell or deliver any hay in bales having thereon battens of more than the prescribed weight or size.
- 10 (e) who being the vendor of any stock food fails, neglects, or refuses to give or send 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 such materials and in such proportions as are stated in the
- 15 invoice or printed statement relating thereto, with no greater proportion or amount of foreign ingredients than is prescribed; or
- (f) who improperly tampers with any sample or part of a sample taken under this Act,
- 20 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
- 25 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, sampling, and analysis.

30 **10.** (1) For the purpose of ascertaining whether the provisions of this Act are being complied with, any person either generally or specifically authorised by the Minister in writing—

Power of authorised person to enter premises and take samples.

- 35 (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

Act No. 2732 (Vic.), s. 11.

(b)

- (b) may examine and take as samples for analysis any such stock food or portions of any parcel thereof, whether in or on any such building, premises, farm, or land, or any vessel used in navigation, or any boat, or any vehicle. 5

Such samples shall be paid for at the current market price.

(2) Samples taken from any parcel 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 10 the person having the possession of such stock food, or his agent, and shall be taken from parcels comprising not less than five 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 15 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 the possession of the lot from which such sample was taken and the time and place of taking. Such label 20 shall be signed by the person taking such sample and also where practicable by the vendor or person having the possession of the lot from which such sample was taken.

(4) Each of such parts shall be marked and 25 sealed or fastened up in such manner as its nature will permit; and two of such parts shall be forwarded by the person who has taken the sample to the Under Secretary and Director of the Department of Agriculture, and one shall be retained by such vendor or by the 30 person having possession of the lot from which the sample was taken.

(5) Of the parts forwarded to the said department one shall be for analysis and for comparison with the invoice or printed statement relating thereto, 35 and the other shall be retained by the said department.

Power to take samples in absence of vendor.

Act No. 2732 (Vic.), s. 12.

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 person authorised as aforesaid may proceed 40 to take such samples in the absence of any such vendor or person. (2)

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

Notice to vendor.

5 (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

10 (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) For the purposes of this Act—

15 (a) a sample of hay straw or chaff taken from a parcel shall mean any quantity not less than thirty pounds in weight; and

Meaning of sample of hay straw or chaff.
cf. Act No. 2732 (Vic.), s. 14.

(b) a sample of grain or mixed, concentrated, or prepared stock food or by-products taken from a parcel shall mean any quantity not less than nine pounds.

20 (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 sample or any part thereof such contravention shall be deemed to have been proved with regard to the whole lot from 25 which the sample was taken.

30 13. (1) The purchaser of any stock food may be required by any officer of the Department of Agriculture or any person authorised by the Minister under section ten of this Act 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 or printed statement relating thereto.

Power to demand information.
Ibid. s. 16.

35 (2) Any person who withholds any such information, or fails so to produce such invoice, or parcel, or printed statement, or obstructs the said officer or person 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.

General

General and supplemental.

Certificate of
chemist.
cf. Act No.
2732 (Vic.),
s. 18.

14. In any proceedings against any person for an offence against this Act the production of the certificate of the chemist of the Department of Agriculture shall, where a copy of such certificate containing a statement as to the result of the analysis 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 the said chemist or his deputy 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.

Power to
make regu-
lations.
cf. *Ibid.* s. 24.

15. (1) The Governor may make regulations for carrying out the purposes of this Act.

(2) Such regulations shall—

- (i) be published in the Gazette; 20
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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

(4) Such regulations may order that a copy of any regulations shall be kept constantly affixed in legible characters

characters in or on some conspicuous place where it may be easily read by the persons employed in cutting, preparing, selling, or distributing stock food.

16. 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 *twenty* pounds.

Penalty for
contraven-
tions.

cf. Act No.
2732 (Vic.),
s. 19.

17. All penalties imposed by this Act or the regulations may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

Recovery of
penalties.

Saving.

18. Nothing contained in this Act, and no proceedings taken under this Act against any person, shall in any way interfere with any right or remedy by civil process which any person might have had if this Act had not been passed.

Saving.

Ibid. s. 17.