

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

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
5 the same, as follows:—

Preliminary.

1. This Act may be cited as the "Stock Food Act, Short title. 1921."

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30—A (3)

2.

Interpre-
tation.

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

- “Bran” means the outer skin of the wheat grain 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
- “Chemist” means the chemist of the Department of Agriculture, or any person authorised by the Minister to analyse or examine stock food.
- “Foreign ingredients” includes substances pre-
scribed. 15
- “Hay” means any plant, either cereal, legume, grass, or other fodder which has been dried, and from which the grain or seed has not been removed.
- “Hay chaff” means chaff consisting only of hay. 20
- “Inspector” means inspector appointed under this Act.
- “Minister” means Minister for Agriculture.
- “Mixed chaff” means a mixture of hay chaff and
straw chaff in any proportion. 25
- “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, seeds, nuts, legumes, oils, 30
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. 35
- “Parcel” includes sack, barrel, case, bale, bundle, and package.
- “Pollard” means that portion of the wheat grain other than bran and flour, sufficiently fine to pass through a number twenty grit gauze, and 40
which

Stock Food.

- which contains not less than fifty-four per centum of water extract obtained by washing through a number eleven xx flour dressing silk.
- 5 "Prescribed" means prescribed by this Act or regulation thereunder.
 - "Sell" includes offer, agreement, or attempt to sell, and exposing, sending, forwarding, delivering, or having in possession for sale; and "sale" has a corresponding interpretation.
 - 10 "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.
 - 15 "Stock food" includes hay, straw, chaff, grain, mixed concentrated or prepared stock food, and by-products.
 - "Straw" means any plant, either cereal, legume, grass, or other fodder which has been dried, and from which the seed or grain has been removed.
 - 20 "Straw chaff" means chaff made from straw.
 - "Vendor" means any person who sells stock food, and includes the agent of a vendor.

25 *Sale of stock food.*

- 3. The sale of mixed chaff is hereby prohibited.
- 4. In all sales 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 agrees to sell or deliver chaff shall, in the absence of such a written agreement, be guilty of an offence if the chaff sold or delivered 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.
- 5.

Sale of mixed chaff prohibited.
 Chaff when offered for sale to be deemed hay chaff, unless otherwise stated.

Foreign ingredients.

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.

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Invoice to be given by vendor.

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 containing such stock food. Such invoice may be sent by post.

Contents of invoice or statement.

7. (1) Every invoice relating to, or statement printed on, a parcel containing stock food shall state specifically the ingredients of which such stock food consists, 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 of any other stock food or material that may be prescribed.

(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 ingredients and materials, and in such proportions as are so stated, with no greater proportion or amount of foreign ingredients than is prescribed.

Invoices, &c., as to mixed foods.

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

- (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 in such invoice or statement.

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9. Any person who—

Offences.

- 5 (a) sells or prepares for sale any hay chaff, and who mixes therewith any straw chaff ;
(b) sells or prepares for sale any mixed chaff ;
(c) sells any hay in bales having thereon battens of more than the prescribed weight or size ;
(d) being the vendor of any stock food neglects or refuses to give or send to the purchaser an invoice as required by this Act ;
10 (e) improperly tampers with any sample or part of a sample taken under this Act ;
(f) sells any stock food—
15 (i) which contains a larger proportion or amount of foreign ingredients than is prescribed ;
(ii) from which any valuable constituent has been wholly or partly abstracted ;
(iii) which does not consist solely of such materials and proportions as are stated
20 in the invoice or printed statement relating thereto ;
(iv) which is falsely described on the parcel or the label attached thereto or in any statement or advertisement made
25 or published by the vendor relating thereto ;
(v) which is not in accordance with a prescribed standard ;
(vi) which contains any substance prohibited by the regulations ;
30 (vii) which contains or is mixed with or diluted with any substance in any quantity or in any proportion which diminishes in any manner its food value or nutritive properties as compared with
35 such article in a pure or normal state ;
(viii) which on the parcel containing the same or in any statement or advertisement made or published by the vendor relating thereto is claimed to have
40 nutritive or medicinal properties which it does not possess ; or (ix)

(ix) which in the opinion of an inspector is unfit for stock food, shall be guilty of an offence, 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.

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Inspection, sampling, and analysis.

Appointment of inspectors. **10.** The Minister may appoint inspectors for the purposes of this Act.

Power to enter premises and take samples. **11.** (1) For the purpose of ascertaining whether the provisions of this Act are being complied with, any inspector or any person either generally or specifically authorised by the Minister in writing—

(a) shall have free access at any reasonable time to any building or premises, or any vessel, boat, or vehicle where he believes stock food is prepared or sold, or to any portion of any farm or land where he believes stock food is kept for sale; and

(b) may examine and on payment or tender of the current market price or the prescribed rate of payment therefor, may take as samples for analysis or examination any stock food and any parcel containing the same or portions of any parcel thereof.

(2) Samples taken from any parcel shall not be less than 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.

(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

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having the possession of the lot from which such sample was taken and the time and place of taking. Such label shall be signed by the inspector or person taking such sample and also where practicable by the vendor or person
5 having the possession 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
10 the inspector or person who has taken the sample to the Department of Agriculture, and one shall be retained by the vendor or 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
15 with the invoice or printed statement relating thereto, and the other shall be retained by the said department.

12. (1) If the vendor or his agent or the person having the possession of such stock food or his agent
20 fails to attend the taking of the samples when notified so to do, the inspector or person authorised as aforesaid may take such samples in the absence of any such vendor or person.

Power to take samples in absence of vendor.

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

(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
30 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.

13. (1) For the purposes of this Act—

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

Meaning of sample of hay straw or chaff.

(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
40 three pounds. (2)

(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 which the sample was taken. 5

Power of seizure.

14. An inspector or person authorized by the Minister under section eleven may seize any stock food which, in his opinion, is unfit for feeding to stock, or to any species of stock to which it is usually fed, and any parcel containing the same. 10

The Minister may order such stock food to be destroyed or otherwise disposed of, and any expenses incurred in connection therewith shall be recoverable in any court of competent jurisdiction from the owner or person in charge of such stock food. 15

Power to demand information.

15. (1) The purchaser of any stock food may be required by an inspector or any person authorised by the Minister under section eleven 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. 20

(2) Any person who withholds any such information, or fails so to produce such invoice, or parcel, or printed statement, or obstructs an inspector or person in the execution of any of his duties under this Act, shall be guilty of an offence. 25

General and supplemental.

Certificate to be evidence.

16. (1) In any proceedings under this Act a certificate containing a statement of the result of the analysis or examination of any stock food therein referred to, and purporting to be signed by the chemist, shall be prima facie evidence of the identity of the stock food which is stated in the certificate to have been analysed or examined, and of the result of the analysis or examination, without proof of the signature of the person appearing to have signed the same. 30 35

(2)

(2) When a copy of such a certificate has been served upon a defendant who is charged with the commission of an offence against the provisions of this Act, it shall not be competent for the defendant upon the 5 hearing of the charge to dispute the accuracy of any statement contained in the certificate, unless the defendant, within three clear days after service upon him of the copy of the certificate, or within such further time as the court shall allow, has notified the Department of 10 Agriculture that the accuracy of such statement will be disputed at the hearing of the charge.

(3) Service of the copy of the said certificate may be proved in the same manner as service of the summons.

15 **17.** (1) The Governor may make regulations for Regulations, 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 25 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 30 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 examination or analysis under this Act, and a penalty 35 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 in or on some conspicuous place where it may 40 be easily read by the persons employed in preparing, selling, or distributing stock food.

Penalty.

18. 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. 5

Recovery of penalties.

19. 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.

Saving.

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Saving.

20. Nothing contained in this Act shall interfere with any right or remedy by civil process which any person might have had if this Act had not been passed.
