



ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

No. 964.

An Act to prevent the Adulteration of Chaff, and to regulate the Sale of Chaff, Hay, and Fruit, and for other purposes.

[*Assented to, December 23rd, 1908.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as “The Chaff, Hay, and Fruit Act, Short title. 1908.”

2. In this Act, unless the context otherwise requires— Interpretation.

“Hay chaff” means the chaffed stalks, leaves, and heads of any one or more of the following cereals and plants, namely:—Wheat, oats, lucerne, and any other cereals and plants, the chaffed stalks, leaves, and heads of which the Governor, by Proclamation in the *Government Gazette*, declares to be hay chaff for the purposes of this Act; but the term does not include the chaff of any cereal or plant from which the natural production of grain or seed has been removed.

“Straw chaff” means any chaff other than hay chaff:

“Inspector” means an Inspector appointed under this Act:

“Minister” means the Minister of Agriculture or the Minister of the Crown for the time being performing the duties of the Minister of Agriculture:

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“Standard case” and “standard half-case” mean respectively the case and half-case of the standard measurements required by this Act:

“This Act” includes regulations made under this Act.

Chaff other than hay chaff to be marked “straw chaff.”

3. No person shall sell or offer or expose for sale any chaff other than hay chaff, unless the bag, sack, or other receptacle containing the same has printed or otherwise inscribed thereon, or affixed thereto, in a conspicuous position, the words “straw chaff” in letters not less than one and a half inches in height.

Foreign ingredients in chaff.

Cf. Vict. Chaff Bill, 1908, cl. 6.

4. No person shall sell or offer or expose for sale any chaff, whether hay chaff or straw chaff, to which has been added any foreign ingredient, other than such as is permitted by regulation, or exceeding the proportion or amount so permitted.

Warranty of class of chaff.

5. Any person selling chaff shall be deemed to have warranted that the same is hay chaff unless it is indicated to be straw chaff in manner prescribed by section 3.

Standard weight of bag of chaff.

6. The standard weight of a bag or sack of chaff, whether hay chaff or straw chaff, shall, until the thirty-first day of December, one thousand nine hundred and ten, be forty pounds avoirdupois weight excluding the weight of the bag or sack.

Bag of chaff not to be under standard weight.

7. No person shall sell a bag or sack of chaff of less than the standard weight unless the chaff in such bag or sack is weighed by him at the time of sale or delivery, and the price of chaff sold is computed, in proportion to its weight, at the market rate for a bag or sack of the standard weight.

Ton of chaff to be 2,240lbs.

8. When chaff, whether hay chaff or straw chaff, is sold by the ton or any proportionate part of a ton, the word “ton” shall be deemed to mean a ton of two thousand two hundred and forty pounds avoirdupois weight, excluding the weight of the bags or sacks containing the chaff except when bags or sacks are expressly sold with the chaff.

Vendor of hay entitled to weigh.

9. In any contract for the sale and purchase of hay by weight there shall be an implied condition that the vendor shall be entitled at his own cost to have such hay weighed on a licensed weighbridge, and that the purchaser shall accept such weight as correct.

Standard case of fruit.

10. (a) The standard case for the sale of fruit shall be eighteen inches in length inside, eight inches and seven-eighths of an inch in width inside, and fourteen inches in depth inside, and shall have a cubic capacity of two thousand two hundred and thirty-six inches.

Half-case.

(b) The standard half-case, save that the depth thereof inside shall be seven inches only, shall be of the same measurements as the standard case, and shall have a cubic capacity of one thousand one hundred and eighteen inches: Provided

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Provided that a case or half-case shall be deemed to comply with the above measurements if the excess or deficiency in the cubic capacity thereof does not exceed in the whole two and one-half per centum of the specified cubic capacity.

11. No person shall, after the first day of October, one thousand nine hundred and nine, sell any fruit (other than dried, preserved, tinned, or canned fruit) otherwise than by the standard case or standard half-case: Provided that this section shall not apply to—

Sale only by standard case.

- (a) Fruit sold by weight, measure of capacity, or number :
- (b) Fruit sold in baskets or punnets :
- (c) Fruit sold in trays containing only one layer :
- (d) Any particular fruit or fruits which the Governor, by Proclamation published in the *Government Gazette*, exempts from the provisions of this Act.

12. The Governor may, by Proclamation published in the *Government Gazette*, prohibit the introduction into any locality specified in such Proclamation of any box, case, bag, or other receptacle which has already contained fruit.

Prohibition of old cases.

13. The Governor may appoint any person or persons to be an Inspector or Inspectors under this Act.

Inspectors.

14. (1) Any such Inspector may at any time during the day time enter upon any land or into any warehouse, store, shop, building, or other place where chaff or fruit is or may reasonably be supposed to be bagged, packed, kept, sold, or exposed or offered for sale, and may—

Powers of Inspector

- (a) Weigh any bag or sack of chaff, whether hay chaff or straw chaff there found, and measure any case of fruit or fruit case there found, and if necessary may remove the same to be weighed or measured elsewhere :
- (b) Examine and, on payment of the ordinary market price therefor (if demanded), take for analysis any quantity of any chaff, whether hay chaff or straw chaff, there found ;
- (c) Do any act or thing required or permitted by regulation to be done in connection with or for the purposes of anything authorised by this section or the analysis of chaff taken under this section.

(2) Any person who obstructs or interferes with any inspector in the exercise of his powers under this Act shall be guilty of an offence against this Act.

15. (1) Any contravention of this Act, whether by act or omission, shall be an offence against this Act.

Offences and penalties.

(2) Any person guilty of an offence against this Act shall be liable to a penalty for a first offence of not more than Ten Pounds, and

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and for any subsequent offence of not less than Five Pounds nor more than Fifty Pounds.

Summary proceedings.

16. All proceedings in respect of offences against this Act shall be by information, and shall be heard and determined in a summary way by a Special Magistrate or two Justices of the Peace for the said State, and shall be regulated by the Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any other Act for the time being in force relating to summary proceedings.

Appeals.

17. (1) There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any order or conviction under this Act, or from any order dismissing any information for any offence against this Act.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any Act for the time being in force regulating appeals to Local Courts.

(3) Such Local Court may state a special case for the opinion of the Supreme Court.

Regulations.

18. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act.

(2) All such regulations shall—

(a) Be published in the *Government Gazette* ;

(b) Take effect from the date of such publication, or from a later date, to be specified therein ; and

(c) 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.

Disapproval by Parliament.

(3) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulation has been laid before Parliament, if Parliament is so long in Session: Provided that if Parliament is not in Session for thirty days after such regulation has been laid before it, then such regulation shall not continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.