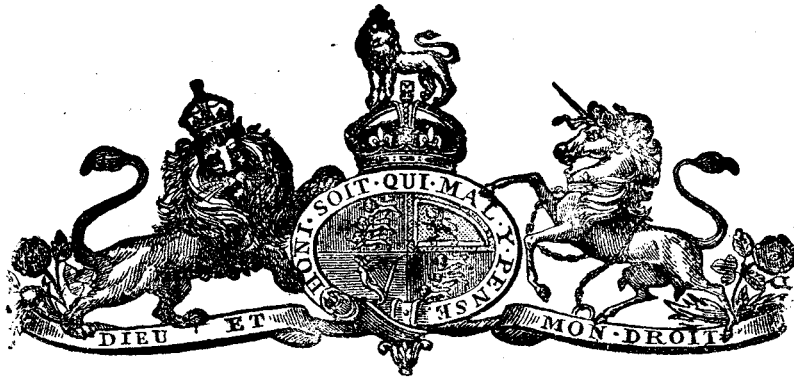


TASMANIA.



1920.

ANNO UNDECIMO

GEORGII V. REGIS,

No. 32.

ANALYSIS.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Short title and commencement. 2. Interpretation.
" Director of Agriculture."
" Hay-chaff."
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" Mixed chaff."
" Straw."
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" To sell." 3. Sale of mixed chaff prohibited. 4. Offences and penalties. 5. Ton of chaff to be 2240 lbs. | <ol style="list-style-type: none"> 6. Proclamation by Governor of plants, the chaffed stalks, &c., of which shall be hay-chaff for the purposes of Act. 7. Appointment of officers. 8. Powers of inspector. 9. Penalty for offences. 10. Prosecutions. 11. Procedure. 12. Evidence. 13. Saving of civil remedy. 14. Regulations. |
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AN ACT to regulate the Sale of Chaff.

A.D.
1920.

[20 December, 1920.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

I This Act may be cited as "The Chaff Act, 1920," and shall come into operation on the First day of January, One thousand nine hundred and twenty-one. Short title and commencement.

Sale of Chaff.

A.D. 1920.

Interpretation.
 " Director of
 Agriculture."
 " Hay-chaff."
 S.A. 1908 No.
 964, s. 2.

" Inspector."

" Mixed Chaff."

" Straw."
 Vict. No. 2732
 of 1915, s. 3.

" Straw chaff"
 Cf. *ibid.*

" To sell."
 Cf. S.A. 1915
 No. 1233, s. 3.

Sale of mixed
 chaff prohibited.
 Cf. Vict. No.
 2732 of 1915,
 s. 4.

Offences and
 penalties.
 Cf. *ibid.*, s. 10.

Ton of chaff to be
 2240 lbs.
 Cf. *ibid.*, s. 8.

2 In this Act, unless the context otherwise indicates—

" Director of Agriculture " includes the Acting-Director of Agriculture for the time being.

" 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, 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.

" Inspector " means any inspector appointed or deemed to be appointed under or for the purposes of this Act.

" Mixed Chaff " means a mixture of hay, chaff, and straw-chaff in any proportion.

" 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.

The verb " to sell " includes—

i. To sell, barter, or exchange :

ii. To agree to sell, barter, or exchange :

iii. To offer, expose, store, have in possession, send, consign or deliver for or on sale :

iv. To receive for sale :

v. To cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged :

vi. To cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale :

vii. To cause or suffer to be received for sale : and

viii. To attempt or assist to do any of such acts or things— and all participles of the verb " to sell," and the noun " sale " have corresponding connotations.

3 The sale of mixed chaff and the use of chaff mixing machines is hereby prohibited.

4 Any person who—

(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— shall be guilty of an offence against this Act.

5 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, including the weight of the bags or sacks containing the chaff.

Sale of Chaff

6 The Governor may, by Proclamation, declare any cereal or plant to be a cereal or plant the chaffed stalks, leaves, and heads of which shall be hay-chaff for the purposes of this Act.

A.D. 1920.

Proclamation by Governor of plants, the chaffed stalks, &c., of which shall be hay-chaff for the purposes of Act.

7—(1) The Governor may from time to time appoint such inspectors and other officers as may be necessary for the effectual execution of this Act.

(2) Every inspector appointed under "The Stock Act" or "The Vegetation Diseases Act, 1898," shall, without further appointment, be deemed to be appointed an inspector under and for the purposes of this Act.

Appointment of officers.

39 Vict. No. 20.
62 Vict. No. 21.

8—(1) Any inspector may at any time during the daytime enter upon any land or into any warehouse, store, shop, building, or other place where chaff is, or may reasonably be supposed to be bagged, kept, sold, or exposed or offered for sale, and may—

Powers of inspector.

Cf. S.A. 1901
No. 964, s. 14.

i. 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 :

ii. 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.

9 Any person who is guilty of an 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, be liable for a First offence to a penalty of not more than Twenty Pounds, and for a Second offence to a penalty of not less than Twenty, nor more than Fifty Pounds, and for each subsequent offence to a penalty of not less than Twenty, nor more than One hundred Pounds, or to imprisonment for a term of not more than Six months, or to both such penalty and imprisonment.

Penalty for offences.

10—(1) Proceedings for any contravention of this Act may be instituted by any inspector or other person authorised, either generally or specially by the Director of Agriculture, or by any person aggrieved.

Prosecutions.

(2) The summons in any such proceeding shall not be made returnable in less than Ten days from the day on which it is served.

(3) Where any chaff has been taken for analysis, no prosecution under this Act in respect thereof shall be instituted after the expiration of Sixty days from the time it was so taken.

11 All complaints for offences against the provisions of this Act, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more

Procedure.

Sale of Chaff.

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justices in the mode prescribed by "The Justices' Procedure Act, 1919," the provisions of which Act, except where inconsistent with any of the provisions of this Act, shall apply.

Evidence.

12 In any proceedings under this Act, unless the contrary is proved—

- i. Parol evidence that any person is an inspector under this Act shall be deemed sufficient :
- ii. Authority to do any act or take any proceeding shall be presumed :
- iii. The allegation that any chaff was sold shall be sufficient evidence of the fact alleged.

Saving of civil remedy.

13 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, aggrieved by any contravention of this Act, might have had if this Act had not been passed or if such proceedings had not been taken.

Regulations.

14 The Governor may from time to time make regulations as to any matter whatsoever which he may deem necessary to give effect to this Act.