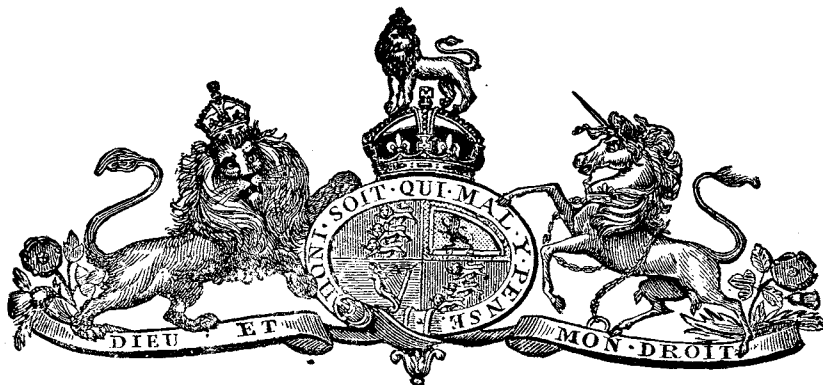


# TASMANIA



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No 4.

## ANALYSIS.

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AN ACT to Prohibit the Use of White Phosphorus in the Manufacture of Matches ; to Prohibit the Sale of Matches made with White Phosphorus ; and for purposes consequent thereon or incidental thereto.

A.D.  
1911.

[30 October, 1911.]

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 :—

4d.]

*White Phosphorus Matches Prohibition.*

A.D. 1911.

Short title and  
commencement.

**1** This Act may be cited as "The White Phosphorus Matches Prohibition Act, 1911," and shall come into operation on the First day of January, One thousand nine hundred and twelve.

Interpretation.

"Analyst."

1 Geo. V. No. 22.

"Inspector."

1 Geo. V. No. 22.

**2** In this Act—

"Analyst" means an analyst appointed for the time being or acting under "The Food and Drugs Act, 1910":

"Inspector" means any inspector for the time being appointed or acting under "The Food and Drugs Act, 1910," and includes the Chief Inspector for the time being appointed or acting under that Act:

"Package."

"Package" includes every means by which goods may be cased, covered, enclosed, contained, or packed:

"To sell."

Cf. Vic. Act,

2059, 1906. s. 2.

1 Geo. V. No.

1013, s. 2 (S.A.).

The verb "to sell," in whatever person, number, tense, mood, or voice it is used, includes—

i To barter or exchange;

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

iii. To offer, expose, store, have in possession, send 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 or delivered for or on sale;

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

viii. To attempt to do any of such acts or things;

and all participles of the verb "to sell" and the noun "sale" have corresponding connotations:

"This Act."

"This Act" includes regulations made under this Act:

"White phosphorus."

"White phosphorus" means the substance usually known as white or yellow phosphorus

Department of  
Public Health  
to administer  
Act.

**3** The Department of Public Health constituted by "The Public Health Act, 1903," is hereby charged with the administration and enforcement of this Act throughout the State.

Prohibition of  
manufacture of  
matches with  
white phosphorus.  
Penalty.

**4**—(1) No person shall manufacture or cause to be manufactured any matches in the manufacture of which white phosphorus is used.

Penalty: One hundred Pounds.

(2) The magistrate or justice imposing any such penalty upon any person contravening this section may in addition forfeit any white phosphorus or any matches made with the same which is or are apparently in the possession or under the control of the said person.

Prohibition of  
sale.

**5** It shall not be lawful for any person to sell any matches made with white phosphorus.

If any person contravenes the provisions of this section he may, on complaint to a police magistrate or to any Two or more justices in petty sessions assembled, be ordered to forfeit any such matches in his possession.

*White Phosphorus Matches Prohibition.*

Any matches so forfeited shall be destroyed or otherwise dealt with A.D. 1911.  
as the magistrate or justices may think fit.

**6** Any inspector may enter any place where he believes matches to be manufactured or sold, and— Powers of inspectors.

- i. May inspect and examine any matches and any material he believes or suspects may be white phosphorus, or may be for use in the manufacture or preparation of matches, and may examine and open any package, and, on payment or tender of the current market value thereof, take for analysis sufficient samples of such matches or material or both :
- ii. Make any general or particular inquiries as to the observance of this Act :
- iii. Seize, detain, and remove any matches or material, and any package in which the same is contained, if he has reasonable cause to believe that there has been a contravention of this Act in respect of such matches or material :
- iv. May 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 samples taken under this section :
- v. Shall, if requested by any person apparently in charge of such place, or any work carried on therein produce his appointment as inspector, or the portion of the "Gazette" in which his appointment is published.

**7** If any person—

- i. Obstructs, molests, resists, or hinders any inspector in the course of carrying out any of the provisions of this Act : or
- ii. Refuses to give information, or wilfully or knowingly gives false information, in answer to any reasonable inquiry made by any inspector for the purposes of this Act—

he shall be guilty of an offence against this Act, and shall on conviction be liable to a penalty of not more than Five Pounds for a First offence, and of not less than Two Pounds or more than Fifty Pounds for every subsequent offence.

**8** Sections Thirty-one to Thirty-five (both inclusive), Thirty-eight, and Thirty-nine of the "Food and Drugs Act, 1910," are hereby incorporated with this Act as part thereof, and shall be read and construed with all necessary alterations, and as if the words "article or thing" were substituted throughout the said sections for the words "food or drug." Incorporation of certain provisions of 1 Geo. V. No. 22 as to procedure on taking "sample" and "analysis."

**9** In any proceedings, unless the contrary is proved—

- i. Parol evidence that any person is an inspector or analyst shall be deemed sufficient :
- ii. Authority to do any act or take any proceeding shall be presumed.

Evidence.

*White Phosphorus Matches Prohibition.*

A.D. 1911.

Protection to  
officers acting  
under this Act.

Inspector or other officer shall be liable, except in respect of wilful misconduct or neglect, to any legal proceedings for anything done or omitted in the exercise or execution of any of his powers or duties under this Act

Impersonating  
inspector a  
misdemeanour.

**11** Whoever falsely represents himself to be or personates an inspector, shall be guilty of an offence against this Act, and on conviction thereof in a summary way shall be liable to be imprisoned for any term not exceeding Twelve months, and in addition to such imprisonment shall be liable to forfeit and pay a penalty of not less than Five Pounds and not exceeding One hundred Pounds.

Regulations.

**12**—(1) The Governor may from time to time make regulations, not inconsistent with this Act, prescribing all things which by this Act are required, contemplated, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act, and, amongst others, the following things:—

- i. Forms to be used :
- ii. With respect to taking samples :
- iii. With respect to the analysis of samples :
- iv. The manner in which the powers and duties of inspectors and analysts are to be exercised and discharged, and generally such things as may be necessary or convenient for enabling inspectors and analysts to exercise and discharge such powers and duties, and to carry out the objects of this Act.

(2) The regulations may impose a penalty not exceeding Ten Pounds for any breach thereof.

Expenses of  
administration.

**13** The expenses of administering and enforcing this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose.

Procedure.  
19 Vict. No. 8.

**14** All informations or 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 justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

Appropriation  
of penalties.

**15** All fees and penalties received or recovered under this Act shall be paid into and form part of the Consolidated Revenue.