



ANNO VICESIMO SECUNDO

# GEORGII V REGIS.

## A.D. 1931.

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### No. 2025.

An Act to regulate the sale of Stock Licks.

[Assented to, November 19th, 1931.]

**B**E 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 "Stock Licks Act, 1931," and shall come into operation upon a day to be fixed by proclamation. Short title and commencement.

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

"Dealer" means any person who carries on business as an importer, vendor, or dealer in stock licks for purposes of trade, and whether such person carries on any other business or trade or not:

"Inspector" means the chief inspector and any person appointed as an inspector for the purposes of this Act:

"Stock" includes horses, camels, asses, mules, bulls, cows, heifers, calves, sheep, and lambs:

"Stock lick" includes any article sold as a lick for stock.

3. (1) Every person who sells any stock lick or any article for use as a stock lick, shall deliver or cause to be delivered to the purchaser, at the time the stock lick or article is sold or delivered, an invoice certificate in writing stating the following particulars:— Invoice certificate of stock licks.

I. The name under which the lick is sold:

II. The

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ii. The percentage contents of the following ingredients—sodium chloride, phosphorus (expressed  $P_2O_5$ ) of animal origin, phosphorus (expressed as  $P_2O_2$ ) of mineral origin, calcium carbonate, iodine, and arsenic :

iii. The percentage contents of the following substances when present in quantities exceeding one-tenth of one per centum of the whole lick or article:—Iron, manganese, copper, uncombined sulphur, and any other substance of reputed medicinal or nutritive value :

iv. Any other prescribed particulars.

(2) An invoice certificate given by the seller of any such article as aforesaid shall notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained therein are correct.

(3) Any statement as to the amount of the nutritive or other ingredients of an article sold for use as a stock lick, made by the seller, in any written document relating thereto given to the purchaser, or in any circular or advertisement descriptive of the article, shall have effect as a warranty by the seller that the facts stated are correct.

(4) The Governor may, by regulation, enable the name under which any stock lick is sold and the particulars and percentages as provided by subsection (1) hereof, to be registered by a dealer in manner prescribed by the regulations and on payment of a prescribed fee. If any such name and particulars and percentages are so registered, an invoice in writing given by any seller to a purchaser referring to such stock lick by its registered name followed by the word "registered", shall suffice in lieu of an invoice certificate under subsection (1) hereof, and shall be of the same effect as such invoice certificate and as if the registered particulars and percentages were stated in the invoice.

Power to prescribe standards.

4. (1) The Governor may, by regulation—

(a) prescribe substances which shall be deemed foreign ingredients relative to stock licks, and provide that the proportion or amount of such foreign ingredients that may be contained in any stock lick shall not exceed the proportion or amount prescribed :

(b) prescribe physical and chemical standards for stock licks, and methods for determining the same :

(c) provide that no person shall sell, expose for sale, or have in his possession for sale any stock lick unless such regulations are duly observed.

(2) Any person who acts in contravention of any regulation made under this section, or fails to comply therewith, shall be guilty of an offence and liable to a penalty not exceeding Twenty Pounds.

5. No

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5. No action on any such warranty as is mentioned in section 3 shall lie for any mis-statement therein as to the particulars therein specified, or as to the amount of any ingredient, where the mis-statement does not exceed the limits of variation (if any) prescribed under this Act or any regulations made thereunder in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the right of the purchaser under the warranty shall not be affected by such limits.

Limits of variation.

6. If any person—

- (a) who sells any stock lick or any article for use as a stock lick fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the stock lick or article, the invoice certificate required by subsection (1) of section 3, or any invoice in lieu thereof under subsection (4) of section 3, if applicable; or
- (b) who sells any stock lick or article for use as a stock lick, causes or permits any such invoice certificate or description of the stock lick or article sold by him to be false in any material particular to the prejudice of the purchaser; or
- (c) sells or offers or exposes for sale for use as a stock lick any article which contains any ingredient deleterious to stock, or to which has been added any ingredient worthless for the purposes of a stock lick and not disclosed in writing to the purchaser at the time of sale,

Penalties for breach of duty by seller.

he shall be guilty of an offence against this Act and liable to a penalty not exceeding Twenty Pounds :

Provided that a person shall not be convicted of an offence under paragraph (b) of this section if he proves either—

- (i.) that he did not know, and could not with reasonable care have ascertained, that the invoice certificate or description was false; or
- (ii.) that he purchased the article sold with a written warranty or invoice certificate from a person in this State, and that that warranty or invoice certificate contained the false statement in question, and that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the state in which it was when he purchased it.

7. (1) Any inspector may, at any time in the daytime, enter any warehouse, store, shop, building, or place where any stock lick is kept, or exposed for sale, and demand and take samples thereof.

Powers of inspectors.

(2) An inspector may at any time take samples of any stock lick from any railway truck, car, cart, lorry, van, or other vehicle in which the same may be in course of transit to a purchaser.

(3) Three samples shall be taken by the inspector in each case and marked, sealed, and fastened by the inspector in the presence of

of

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of the dealer or his representative, or, if the samples are taken under subsection (2) of this section, in the presence of a Justice or a member of the police force, and shall be disposed of as follows :—

- (a) one sample shall be delivered to the person in charge of, or left upon, the premises (if any) from which it was taken or if taken in course of transit as aforesaid, shall be delivered to the vendor or any agent of the vendor in this State, or left at the principal place of business in this State of such vendor or agent ;
- (b) one may be utilised for analysis by an analyst ; and
- (c) one shall be retained by the inspector for future comparison.

Publication of result of analysis.

**8.** The result of the analysis of any sample of any stock lick taken by an inspector, together with the name and address of the dealer from whom the sample was obtained, or of the vendor, may be published in the *Gazette* and in such other manner as the Minister may think fit, and a statement of the result of any analysis shall be sent forthwith to the dealer from whom the sample was taken, or if taken in transit, to the vendor or an agent of the vendor in this State.

Penalty for refusing to permit inspector to take samples.

**9.** Any person who refuses—

- (a) to permit an inspector to take samples of any stock lick ;  
or
- (b) to deliver to the inspector, if required so to do, an invoice certificate in respect of any sample taken ; or
- (c) obstructs or interferes with an inspector in the discharge of his duties under this Act,

shall be guilty of an offence against this Act, and liable to a penalty not exceeding Twenty Pounds.

Right of buyer to analysis.

**10.** Every buyer of any stock lick shall, on complying with the regulations, be entitled to submit a sample thereof to an analyst for analysis, and to receive from him a certificate, in the prescribed form, of the result of his analysis, on payment of such fee, if any, as may be prescribed.

Cost of analysis.

**11.** The costs of and incidental to the obtaining of any analysis under this Act shall be a debt due from the seller to the purchaser, if the result of the analysis is against the seller.

Tampering with samples.

**12.** Any person who—

- (a) tampers with any parcel of stock lick so as to procure that any sample of it taken in pursuance of this Act does not correctly represent the contents of the parcel ; or
- (b) tampers with any sample taken under this Act,

shall be guilty of an offence against this Act, and liable to a penalty not exceeding Twenty Pounds.

**13.** (1) Any

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**13.** (1) Any analyst appointed under the Food and Drugs Act, 1908, analysing any substance submitted to him in pursuance of this Act, may give a certificate of the result of the analysis.

Certificate of analyst.

(2) In any legal proceedings with respect to any substance analysed in pursuance of this Act, the production of a certificate purporting to be signed by any such analyst shall be *prima facie* evidence of the identity of the substance analysed and of the result of the analysis, without proof of the signature or appointment of the person appearing to have signed the same.

**14.** In any proceeding for an offence under this Act it shall be no defence to allege that the buyer, having bought only for analysis, was not prejudiced by the sale, or that the stock lick, though deficient in one or more constituents, was not deficient in other constituents.

Defence.

**15.** In any proceedings the burden of proof that any stock lick was not sold, offered, or exposed for sale, or delivered, or that the article was not intended for use as a stock lick shall in every case be on the defendant.

Evidentiary provision.

**16.** A prosecution for an offence under this Act, may be instituted either by the person aggrieved, by an inspector, or by any person authorised by the Chief Inspector of Stock. In any proceedings under this Act, the appointment of any person as an inspector, and the authorising of any person to prosecute for any offence shall be presumed, unless the defendant proves the contrary.

Who may prosecute.

**17.** The Governor may appoint such inspectors under this Act as may be necessary for the administration of this Act. The Chief Inspector of Stock shall, without any further appointment than this section, be the Chief Inspector under this Act.

Appointment of inspectors.

**18.** All proceedings for offences under this Act shall be disposed of summarily.

Summary procedure for offences.

**19.** Any person convicted of an offence against this Act shall be liable, in addition to any penalty imposed, to any expenses incurred by the prosecution in obtaining an analysis as part of the cost of the proceedings.

Penalty.

**20.** No proceedings taken under this Act against any person shall in any way interfere with or lessen any right or remedy by civil process of any party aggrieved by any offence against this Act.

Saving of civil remedy.

**21.** The Governor may, from time to time, make such regulations that may be necessary to give effect to this Act.

Regulations.

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

A. HORE-RUTHVEN, Governor.