

FISHERIES.

No. 66 of 1950.

AN ACT to amend the *Fisheries Act 1935*.
[7 December, 1950.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Fisheries Act 1950*.
(2) The *Fisheries Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

Certain
provisions to
apply only
in respect
of advances
under Part
III.

2 Section fifty-eight A of the Principal Act is amended by inserting after the word “shall” the words “(except in respect of fish taken, bought, or sold, or offered or exposed for sale, in contravention of any provision of this Act)”.

* 26 Geo. V. No. 37. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 226. Subsequently amended by 4 & 5 Geo. VI. No. 78, 5 Geo. VI. No. 22, 8 & 9 Geo. VI. No. 47, and No. 65 of 1949.

EXPORTED PRODUCTS.

No. 67 of 1950.

AN ACT to amend the *Exported Products Act 1901*.
[7 December, 1950.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Exported Products Act 1950*.

(2) The *Exported Products Act 1901**, as subsequently amended, is in this Act referred to as the Principal Act.

* 1 Edw. VII. No. 21. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 974.

2 Section three of the Principal Act is amended—

Interpretation.

- (a) by omitting the definition of "Dairy produce";
- (b) by omitting the definition of "Disease" and substituting therefor the following definition:—

"'Disease' means any disease which is prescribed as a disease for the purposes of this Act:";

- (c) by omitting the definition of "Product" and substituting therefor the following definition:—

"'Product' means any potato, swede turnip, carrot or parsnip, and includes any other article or thing declared by the Governor, by proclamation, to be a product for the purposes of the Act:"; and

- (d) by inserting after the definition of "Product" the following definition:—

"'ship' means place or cause to be placed in or on a ship or other vessel or aeroplane or other aircraft."

3 Section six of the Principal Act is amended—

No product to be exported unless package is branded.

- (a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) No product shall be shipped for carriage from this State to any State or territory of the Commonwealth, unless the package containing the product is legibly marked—

I. As provided in section seven: or

II. With the word "ungraded" in letters at least as large as any other letters marked on the package.";

- (b) by omitting subsection (2);
- (c) by omitting in subsection (3) the words "or placed on board any vessel for the use of passengers and crew of such vessel" and substituting therefor the words "for use in the vessel or aircraft in which it is shipped"; and
- (d) by omitting from subsection (4) the words "or placing on board any vessel."

4 Sections seven, eight, and nine of the Principal Act are repealed and the following sections are substituted therefor:—

"7 The consignor of any package containing any product may brand that package with the prescribed words or marks indicating the grade of the product if the package and its contents comply, in all respects, with the requirements and conditions prescribed for the use of those words or marks and are legibly marked with the name and address of the grower of the product, or, where the product of two or more

Packages may be branded.

growers is mixed, of the packer of the product, or with the trade mark, registered under the *Trademarks Act 1905** of the Commonwealth Parliament as amended from time to time or any Act in substitution therefor, of the grower or packer, as the case requires.

Power of
inspector
with respect
to packages.

“8 An inspector may—

- I. Open, or cause to be opened, any package marked as provided in section seven which contains any product which is intended to be, or which the inspector reasonably believes to be, intended to be or to be likely to be, exported from this State to any State or territory of the Commonwealth, and inspect and examine the contents of the package: and
- II. Forbid any person to ship any package so marked if the package and its contents do not comply with any requirements or conditions prescribed for the purposes of section seven.

Power of
inspector
to forbid
export.

“9. The inspector may—

- I. Forbid the shipping or export of any product in such a condition that it is likely to injure other cargo shipped with it: and
- II. If he has reason so to believe, mark any package which contains a product legibly with the words ‘Not fit for human consumption’, together with the prescribed mark indicating that these words are marked by an inspector.”

Product may
be inspected
by inspector.

5 Section ten of the Principal Act is amended—

(a) by omitting paragraphs II. and III. and substituting therefor the following paragraphs:—

“II. The product shall be in a package of the prescribed kind and the package shall be branded or marked as prescribed:

“III. Before submitting the product for inspection, the consignor shall give to an inspector a written statement containing full and correct particulars of—

- (a) The kind or class of product:
- (b) The number of packages in which the product is contained and the brands or marks thereon:
- (c) The name of the vessel, or, as the case requires, the name, registered number, or other means of identification of the aircraft in which the product is to be shipped from this State:

* No. 20, 1950. Subsequently amended by No. 19, 1921. No. 17, 1919, No. 25, 1922. No. 75, 1936, and No. 76, 1948.

- (d) The date on which the product is expected to be shipped: and
 - (e) The destination to which the product is consigned:”; and
- (b) by omitting paragraphs VI. and VII. and substituting therefor the following paragraph:—
- “VI. The inspector shall give a certificate—
- (a) Stating that, at the date of inspection, the product is, to the best of his knowledge and belief, free from disease: and
 - (b) Containing such other particulars as may be prescribed:”.

6 Section eleven of the Principal Act is amended—

Penalties for
contravention
of Act.

- (a) by omitting paragraph IV. and substituting therefor the following paragraph:—
 - “IV. Marks any package containing any product with the prescribed grade designation, if the package or its contents do not comply with the requirements or conditions prescribed by or under this Act in relation to a product of that grade:”;
- (b) by omitting from paragraph VII. the word “brand” and substituting therefor the word “mark”;
- (c) by omitting from paragraph VIII. the words “brand to be stamped” and substituting therefor the words “mark made”;
- (d) by omitting paragraph IX. and substituting therefor the following paragraph:—
 - “IX. Except as permitted by the inspector, opens or attempts to open any package containing any product after it has been inspected by the inspector for the purposes of sections eight or ten and before the vessel or aircraft in which it is shipped leaves the jurisdiction of this State:”;
- (e) by omitting from paragraph X. the words “an impression, or colourable imitation of an impression, of any brand authorised to be stamped” and substituting therefor the words “a colourable imitation of any mark made”; and
- (f) by omitting paragraph XI.

Regulations.

7 Section thirteen of the Principal Act is repealed and the following section is substituted therefor:—

“ 13. The Governor may make regulations prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and, in addition to any other matter which may be prescribed, the regulations may—

- I. Prescribe grades of quality and kind of products, the names for such grades, the kind of package and method of packing required for such grades, and the words and marks to be marked on packages for the purposes of section seven:
- II. Regulate the inspection of products:
- III. Provide for and regulate methods of grading to facilitate the giving of certificates under section ten: and
- IV. Prescribe the fees payable in respect of any matters under this Act.”.

Consequential
amendment
of schedule.

8 The schedule to the Principal Act is amended by omitting Form II.

VERMIN DESTRUCTION.

No. 68 of 1950.

AN ACT to make better provision for the destruction of rabbits and other vermin and for matters incidental thereto; to repeal the *Rabbits Destruction Act* 1889, and to amend the *Local Government Act* 1906.

[7 December, 1950.]

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:—

Short title.

1 This Act may be cited as the *Vermin Destruction Act* 1950.