



FRUIT AND VEGETABLES AMENDMENT ACT 1982

No. 82 of 1982

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AN ACT to amend the Fruit and Vegetables Act 1953 to make further provision for the inspection and grading, and to regulate the packing and sale of, fruit and vegetables, and to provide for related matters.

[Royal Assent 16 December 1982]

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:—

1—This Act may be cited as the *Fruit and Vegetables Amendment Act 1982*. Short title.

Commence-
ment.

2—Section 4 shall commence on the day fixed under section 3 (2) of the *Apple and Pear Industry (Miscellaneous Acts Repeal) Act 1982*.

Principal Act.

3—In this Act, the *Fruit and Vegetables Act 1953** is referred to as the Principal Act.

Amendment of
section 2 of
Principal Act
(Interpre-
tation).

4—Section 2 of the Principal Act is amended by omitting from the definition of “fruit” “(other than apples and pears) that are” and substituting “that is”.

Amendment of
section 5 of
Principal Act
(Packing,
grading,
and sale of
fruit and
vegetables).

5—Section 5 (1) of the Principal Act is amended by omitting “Penalty: For a first offence, \$20; for a subsequent offence, not less than \$10 or more than \$100.” and substituting “Penalty: \$400.”.

Amendment of
section 6 of
Principal Act
(Powers of
inspector).

6—Section 6 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

(3) A person who, without reasonable excuse, contravenes or fails to comply with a direction that is lawfully given to him by an inspector under this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

Amendment of
section 8 of
Principal Act
(Penalty for
altering, &c.,
marks on
packages).

7—Section 8 of the Principal Act is amended by omitting “Penalty: For a first offence, \$20; for a subsequent offence, not less than \$10 or more than \$100.” and substituting “Penalty: \$500.”.

Amendment of
section 12 of
Principal Act
(Regulations).

8—(1) Section 12 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:—

(2) Without limiting the generality of subsection (1), the regulations may make provision for, or with respect to—

- (a) prescribing standards or grades for fruit or vegetables;
- (b) regulating the grading or packing of fruit or vegetables;
- (c) prescribing the methods to be employed in grading or packing fruit or vegetables;

* No. 53 of 1953. For this Act, as amended up to and including 1st April 1980, see the continuing Reprint of Statutes.

- (d) prescribing the manner in which the standard or grade of fruit or vegetables contained in lots or packages intended for sale is to be indicated and the manner in which those lots or packages are to be stacked or arranged;
- (e) regulating the taking of samples of fruit or vegetables for analysis or examination;
- (f) prohibiting the sale and purchase of fruit for processing otherwise than in accordance with such conditions (including conditions as to the prices to be paid in respect of the sale for processing of different varieties and grades of fruit) as may be prescribed by the regulations;
- (g) conferring on the consignor of fruit or vegetables a right to submit that fruit or those vegetables for inspection by an inspector;
- (h) requiring an inspector to inspect fruit or vegetables submitted to him for inspection as mentioned in paragraph (g) and, where the fruit or vegetables meet the prescribed conditions or standards, to issue a certificate of inspection in respect of the fruit or vegetables;
- (i) prescribing the conditions or standards for the issue of a certificate of inspection referred to in paragraph (h);
- (j) prohibiting the alteration, defacement, or obliteration of any such certificate of inspection;
- (k) prescribing fees for the carrying out of an inspection of fruit or vegetables as mentioned in paragraph (g); and
- (l) prescribing charges to be paid in respect of the hire of containers for fruit for processing and in respect of the cartage of any such fruit.

(3) The regulations may be made subject to such conditions, or may be made so as to apply differently according to such factors as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(2) Section 12 of the Principal Act is further amended by inserting after subsection (5) the following subsection:—

(6) The regulations may provide for a contravention of or a failure to comply with any of the regulations to be an offence and may prescribe a penalty not exceeding \$400 that may be imposed on conviction for any such offence.