

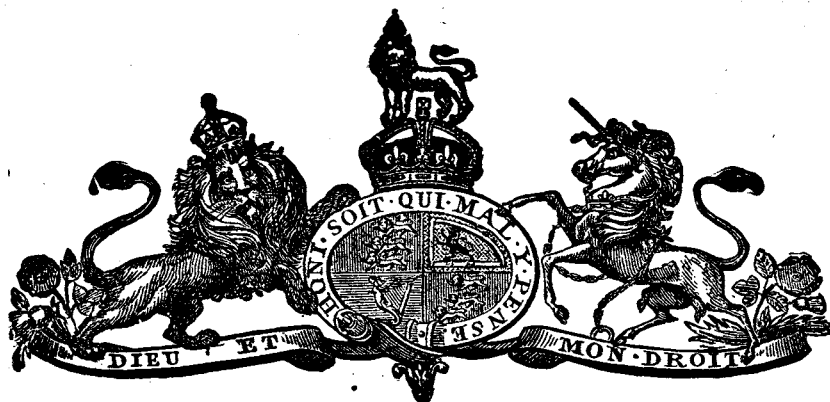
TASMANIA.

THE APPLES AND PEARS STANDARD- ISATION ACT, 1918.

ANALYSIS.

- | | |
|--|---|
| <ol style="list-style-type: none">1. Short title.Commencement.2. Interpretation.3. Board for grading apples and pears for export.Quorum.First meeting.4. Tenure of office.5. Vacancy through absence.6. Deputy-members of Board.7. Resignation.8. Removal from office.9. Rules for conduct of the Board.10. Functions of Board.11. Regulations.12. Person exporting apples or pears, unless graded, &c., guilty of offence.13. Appointment of inspectors.14. Powers of inspectors.Direction to comply with Act and regulations.Person disobeying directions guilty of offence. | <ol style="list-style-type: none">15. Power of inspector to detain case for purposes of inspection.16. Penalty for altering brands or marks on cases.17. Person obstructing inspector or refusing to give information guilty of offence.18. Impersonating inspector.19. Penalty for exporting or attempting to export before inspector passes or after he has refused to pass.20. Penalty for offence against Act.21. Proceedings by whom taken.22. No proof necessary of inspector's authority or appointment.Defendant to prove Act complied with.23. Person deemed to be packer.24. Giving notice.25. Expenses of administration.26. Mode of recovering penalties. |
|--|---|

TASMANIA



1918.

ANNO NONO

GEORGII V. REGIS.

No. 21.

AN ACT to regulate the Standardisation of ^{A.D.} 1918
Apples and Pears and the Export thereof
from this State to any other State in the
Commonwealth of Australia, and for other
purposes. [3 December, 1918.]

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—

Short title.

- I. May be cited as "The Apples and Pears Act, 1918":
- II. Shall come into operation on a day to be fixed by Commencement.
proclamation.

2 In this Act, unless the contrary intention appears—

Interpretation.

- "Board" means the Board for grading apples and pears for
export constituted under this Act:
- "Case" means any box, case, or receptacle used or capable of
being used, or intended to be used, for holding apples or
pears:

Apples and Pears Standardisation.

A.D. 1918.

"Export" means to ship or export from Tasmania to any other part of the Commonwealth, and includes causing, suffering, or attempting to so ship or export or deliver for export as aforesaid: "Exported" has a corresponding meaning:

"Inspector" means an inspector appointed by the Governor for the purposes of this Act:

"Minister" means the Minister for the time being controlling the Department of Agriculture:

"Owner" includes a consignee, consignor, part owner, or agent for the owner or part agent:

"Place" includes any vessel, wharf, pier, or jetty, and any warehouse, store, building, or premises whatsoever situate on or in the vicinity of any wharf, pier, or jetty:

"Size" in relation to apples means the diameter or size of the apple measured from side to side at right angle to the axis of the stem and the calyx or apex:

"Soundness" means freedom from damage or decay; and from any abnormal condition of or in apples or pears as the case may be, whether consisting of the presence of or caused by or due to the operations, development, growth or decay of any insect or fungus:

"Wharf" includes pier or jetty:

Board for grading
apples and pears
for export.

3—(1) For the purposes of this Act there shall be appointed by the Governor annually in the month of December a board for grading apples and pears for export.

(2) Each such Board shall consist of Seven members, namely:—Two officers of the Department of Agriculture, and Five fruitgrowers.

(3) The Chairman of the Board shall be appointed by the Governor.

Quorum.

(4) A quorum of the Board shall consist of not less than Four members.

First meeting.

(5) The First meeting of a Board shall be convened by the Minister.

Tenure of office.

4 Every member of a Board shall hold office until the next Board is appointed unless he—

I. Dies:

II. Resigns:

III. Is ordered to vacate his office under the next succeeding section: or

IV. Is removed from office—

in any of which events a successor shall be appointed by the Governor, and such successor shall hold office for the unexpired period of his predecessor's term of office.

Vacancy through
absence.

5 Any member of the Board, who (except in case of sickness or for other reasonable cause allowed by the Minister) absents himself from any Two consecutive sittings of the Board shall, if the Board within One month of the date of the Second of such sittings so orders, vacate

Apples and Pears Standardisation.

his office, and such vacancy shall, as soon as conveniently practicable, A.D. 1918.
be again filled.

Nothing in this section contained shall affect the power of the Governor to remove any member from office.

6 Subject to this Act the Governor may appoint any person to be for such period as he specifies a deputy-member of the Board; and such deputy may, in the case of the sickness or of the absence of any member from any sitting of the Board or from the State, exercise all the powers vested in, and shall perform all the duties of, such member. Deputy members of Board.

7 Any member or deputy-member of the Board may resign his office by writing under his hand addressed to the Governor. Resignation.

8 Notwithstanding anything hereinbefore contained a member or deputy-member of the Board may be removed from office at any time by the Governor. Removal from office.

9 The rules set forth in the Schedule to this Act shall apply to the business, conduct, and proceedings of the Board, and shall be observed, but may be revoked or altered wholly or in part by regulations. Rules for conduct of the Board. Schedule.

10 In order to facilitate the admission into the other States of the Commonwealth of apples and pears exported from Tasmania, and to secure the benefit and advantages of the markets of those States, it shall be the duty of the Board from time to time, as to the Board appears desirable, to prepare and frame regulations for the purposes set forth in the next succeeding section, and to submit the same to the Governor, recommending the making thereof. Functions of Board.

11—(1) The Governor, on the recommendation of the Board, may make regulations for or with respect to— Regulations.

- i. Standards and methods for the packing of apples or pears for export :
- ii. Standards and methods for the grading of apples or pears for export; and whether grading shall be according to variety, size, soundness, colour, maturity, or all or any of them or otherwise :
- iii. Standard of fruit which may be exported as under grade :
- iv. The marking to be placed on the outside of cases containing apples or pears for export, and prohibiting the use of marks other than those prescribed: Provided that the use of the shipper's name or trade mark shall not be prohibited :
- v. The classes of cases in which slips or labels are to be placed, and the kind of slips or labels to be placed in cases, and any particulars, statements, information, words, or marks which are or are not to be placed on any such slips or labels; and prohibiting the use of slips or labels other than those prescribed :

Apples and Pears Standardisation.

A.D. 1918.

v. The duties of inspectors :

vi. Regulating the meetings and proceedings of the Board and the conduct of the business thereof :

vii. Generally providing for anything which by this Act is expressed to be prescribed, or which the Governor, on the recommendation of the Board, considers necessary, expedient, or desirable, in order to carry out the purposes of this Act.

(2) Any such regulation may impose a penalty for the breach thereof, or of any other regulation, and may also impose different penalties in case of successive breaches ; but no such penalty shall exceed Ten Pounds.

Person exporting apples or pears, unless graded, &c., guilty of offence.

12—(1) Whosoever (whether by himself or by an agent or servant or on behalf of another person) packs for export or exports any apples or pears unless—

- i. The apples or pears are packed and graded as prescribed ; and
- ii. The case containing the apples or pears is marked as prescribed on the outside and (if so prescribed) contains a slip or label setting forth such particulars, statements, information, or words as are prescribed—

shall be guilty of an offence against this Act.

Appointment of inspectors.

13—(1) Subject to the provisions of any Act for the time being in force regulating the Public Service of Tasmania, the Governor, for the purpose of carrying into effect the provisions of this Act, may appoint such and so many inspectors as the Governor thinks fit, and may remove any such inspectors.

62 Vict. No. 21.

(2) Every inspector under "The Vegetation Diseases Act, 1898," shall have all the powers and authorities of an inspector under this Act.

Powers of inspectors.

14—(1) For the purposes of this Act and the regulations any inspector may at any reasonable time—

- i. Enter or inspect any place and open any case which he believes contains apples or pears for export and examine the contents of the case, but if the owner or person for the time being in charge is present, the inspector shall first call upon him to open such case :
- ii. Take samples of or seize the whole or any part of any apples or pears or of any case thereof.

Direction to comply with Act. and regulations.

(2) If the inspector is of opinion that with respect to any such case or to any apples or pears there is any contravention of or failure to comply with any of the provisions of this Act or the regulations he may direct the owner or person for the time being in charge of such case, apples or pears, to take all such measures or do all such acts as the inspector determines to be necessary for the proper observance of this Act and the regulations.

Person disobeying directions guilty of offence.

(3) Any person who disobeys or fails to comply with any such direction shall be guilty of an offence against this Act.

Apples and Pears Standardisation.

15—(1) Any inspector may detain for the time necessary to complete his inspection or examination, any case of apples or pears if he believes that with respect thereto there is a contravention of or a failure to comply with this Act or the regulations.

A.D. 1918.

(2) Any case and its contents shall at all times during the detention thereof be at the risk and charges of the owner thereof.

Power of
inspector to detain
case for purposes
of inspection.

(3) Any inspector so detaining any case of apples or pears shall give the owner, when ascertained, notice in writing or by letter or telegram, that it is so detained, and the place of such detention.

16 Any person who, not being an inspector—

- i. Wilfully alters, defaces, or obliterates wholly or partially : or
- ii. Causes to be altered, defaced, or obliterated, wholly or partially—

Penalty for
altering brands or
marks on cases.

any brands or marks made in pursuance of this Act or the regulations, on any case, shall be liable to a penalty of not more than Fifty Pounds, or to be imprisoned for any term of not more than Twelve months.

17 Whosoever—

- i. Resists or wilfully obstructs any inspector in carrying out any duties under this Act or under the regulations : or
- ii. Refuses to give information, or knowingly gives false information in answer to any reasonable inquiry made by any inspector for the purposes of this Act or the regulations—

Person
obstructing
inspector or
refusing to give
information
guilty of offence.

shall be guilty of an offence against this Act.

18 Any person who shall falsely represent himself to be, or shall personate an inspector in any manner whatsoever, shall be guilty of a misdemeanor, and shall, on conviction, be liable to be imprisoned for any term not exceeding Twelve months, and shall in addition to such imprisonment be liable to forfeit and pay a penalty of not less than Five Pounds and not exceeding One hundred Pounds.

Impersonating
inspector.
Cf. 4 Geo. V.
No. 47, s. 22.

19 Any person who—

- i. Exports any case containing apples or pears before the same has been passed by an inspector : or
- ii. Exports any case containing apples or pears after an inspector has refused to pass or rejected same—

Penalty for
exporting or
attempting to
export before
inspector passes
or after he has
refused to pass.

shall be liable to a penalty of not less than Five Pounds or more than One hundred Pounds, or to be imprisoned for any term not exceeding Twelve months.

20 If any person is guilty of any offence against this Act, and no other penalty is by this Act expressly provided in that behalf, he shall be liable, on conviction, to a penalty of not more than Five Pounds for a first offence, and of not less than One Pound and not more than Ten Pounds for every subsequent offence.

Penalty for
offence against
Act.

Apples and Pears Standardisation.

A.D. 1918.

Proceedings by whom taken.

21 Proceedings may be taken in respect of offences against this Act or the regulations by any inspector if so authorised by the Minister either generally or in any particular case.

No proof necessary of inspector's authority or appointment.

Defendant to prove Act complied with.

22 In any proceedings in respect of offences against this Act or the regulations—

- i. No proof shall be required of the authority of an inspector to take proceedings, or of the appointment of an inspector: and
- ii. It shall lie on the defendant to prove that in respect of any case the provisions of this Act and the regulations have been complied with.

Person deemed to be packer.

23 The person whose name is marked on the outside of any case or on any slip or label therein as the packer thereof shall (until evidence to the contrary is given) be deemed to be the packer thereof.

Giving notice.

24 Any notice which under this Act may be given by letter or telegram shall be deemed to have been given if it is shown that the letter was properly addressed and was prepaid, registered, and posted, or that the telegram was properly addressed and was prepaid and delivered at a telegraph office for despatch.

Expenses of administration.

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

Mode of recovering penalties.

26 All informations for offences against the provisions of this Act or the regulations (other than misdemeanors) shall be heard and determined, and all penalties or sums of money imposed or made payable by this Act or the regulations, shall be 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 shall apply.

*Apples and Pears Standardisation.***SCHEDULE.**

A.D. 1918.

RULES FOR THE CONDUCT OF THE BUSINESS OF THE BOARD.

1. The chairman shall be the executive officer of the Board. Executive officer.
 2. Every appointment and every order, notice, certificate, or other document of the Board relating to the execution of this Act shall, except where otherwise provided by this Act, be sufficiently authenticated if signed by the chairman or any Two members of the Board. Authentication of documents.
 3. No business shall be transacted at any meeting of the Board unless at least Four of the members are present when such business is transacted. Meetings.
 4. The chairman shall preside at all meetings at which he is present. In the absence of the chairman, the members present shall elect from their number a chairman for the day. Quorum.
Chairman.
- The chairman, or in his absence the chairman for the day, shall have a vote, and, when there is an equal division of votes upon any question, it shall pass in the negative.
5. All powers vested in the Board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting. Voting.
- At all meetings, save as herein otherwise provided, all members present shall vote.
- If a member refuses to vote, his vote shall be counted for the negative.
6. The members present at a meeting may, from time to time, adjourn the meeting. Adjournment.
- If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or any one member if only one is present, may adjourn such meeting to any time not later than Seven days from the date of such adjournment.
- Provided that nothing herein contained shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.
7. All notices of any meeting shall be in writing, and shall be delivered personally or sent by post or otherwise to the address of each of the members at least Seven days previous to the meeting. Notices.
8. If any member refuses or neglects to act or to attend any duly convened meeting of the Board, all lawful acts and proceedings of the Board shall be as valid and effectual as if they had been done or authorised by the full Board. Proceeding validated.
9. No proceedings of the Board shall be invalidated by reason of any defect in any appointment, or by reason of there being any vacancy in the number of members at the time of such proceedings, provided that the number of members is not reduced below Four. Vacancies.

