

AGRICULTURAL PRODUCTS.

20° GEO. V., No. XVII.

No. 19 of 1929.

AN ACT to regulate the Packing and Sale of Agricultural Products.

[Assented to 27th November, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Agricultural Products Act, 1929*, and shall be read as one with, but shall not affect the provisions of, the *Fruit Cases Act, 1919*.

Interpretation.
See Vic. No. 2619,
s. 20.

2. In this Act—

“Agricultural products” or “Products” means and includes agricultural, farm, orchard, garden and dairy products.

“Inspector” means an inspector appointed under this Act or under the *Plant Diseases Act, 1914*.

“Lot” means any quantity of loose agricultural products not contained in a package.

“Package” means any box, case, bag, sack, receptacle, or container used or capable of being used or intended to be used for containing agricultural products.

“Place” includes farm, garden, orchard, road, railway station, wharf, pier, jetty, vessel, factory, warehouse market, stall, shop, store, yard, shed, barrow, and any vehicle, stand, or premises whatsoever.

“Sell” includes to offer, expose, consign, send, or deliver for or on sale; and the word “sell” shall be construed accordingly.

3. (1.) No person, either by himself or by his servant or agent shall—

Packing and sale
of products.
See Vic. No. 2919,
s. 22.

- (a) sell any lot or portion of a lot of products, or any products contained in a package, unless the outer layer or shown surface of such products is so arranged, stacked, or packed that it is a true indication of the fair average size, nature, and quality of all the products in such lot or package; or
- (b) pack any products intended for sale in a package, unless the products are graded and packed as prescribed; or
- (c) sell any products contained in a package unless the provisions of the preceding paragraph (b) in relation thereto have in all respects been duly complied with; or
- (d) sell any lot or part of a lot of products unless the same is graded and arranged or stacked and marked in such manner as may be prescribed.

(2.) Any person committing a breach of any of the foregoing provisions of this section shall be guilty of an offence.

Penalty: Twenty pounds.

4. (1.) Whenever and wherever an inspector has reasonable grounds for believing that agricultural products are exposed or offered for sale, or are in process of transport for the purposes of sale an inspector may at any reasonable time enter and inspect any place, and examine any products in or on such place, and require the owner or person for the time being in charge of such products to open any package, or, if no such owner or person is present, may himself open any package.

Powers of
inspectors.
Vic. No. 2919, s. 23.

(2.) If an inspector has reasonable grounds for believing that with respect to any package of products or lot there is a contravention of or failure to comply with this Act he may take possession of and detain such package or lot for such time as may be necessary to enable him properly to inspect and examine the same, but such inspector shall take all reasonable precautions to protect such packages of products or lots from injury, damage, theft, or loss to the owner until any proceedings that may be taken by him in respect thereof for an offence against this Act are disposed of.

(3.) Such package or lot shall at all times during such detention be at the risk and expense of the owner thereof.

(4.) In the event of an inspector taking possession of and detaining any package in the absence of the owner, he shall do so in the presence of a reputable witness, and shall affix to the package a statement giving his name and the date of his inspection, and shall, as soon as practicable, notify the owner that he has taken possession of and detained such package.

(5.) An inspector acting under the provisions of this section shall, if and when called upon, produce satisfactory evidence of his appointment as such.

5. Nothing in this Act shall apply to any products, package of products or lot consigned or forwarded to a consignee for the purpose of manufacture or processing or packing, and distinctly and conspicuously marked or branded as such.

6. Any person who—

(a) resists or wilfully obstructs or interferes with any inspector in carrying out his duties; or

(b) refuses to give information or knowingly gives false information in answer to any reasonable inquiry made by an inspector for the purposes of this Act,

shall be guilty of an offence under this Act.

Penalty: Twenty pounds.

7. Proceedings in respect of any offence under this Act may be taken and prosecuted by an inspector, and where products are sold in contravention of this Act the purchaser himself may proceed against the seller for an offence under this Act.

8. In any proceedings in respect of offences under this Act—

(a) no proof shall be required of the authority of the inspector to take the proceedings, or of his appointment as such inspector; and

(b) the person whose name is marked on the outside or inside of any package containing products for sale, or on any label thereon, as the seller or packer thereof, shall be deemed to be the seller or packer thereof until the contrary is proved.

9. (1.) The Governor may make regulations not inconsistent with this Act prescribing all such matters as by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act.

Penalty for obstructing an inspector.
Vic. No. 2119, s. 26.

Proceedings.
Vic. No. 2919, s. 27.

Evidence.
Vic. No. 2919, s. 30.

Regulations.
Vic. 2919, s. 33.