

PURE FOOD (AMENDMENT) BILL, 1957.

*Schedule of the Amendment referred to in Legislative Council's
Message of 16 April, 1957.*

Page 2, clause 2. *After line 23 insert—*

- (iii) by inserting at the end of the definition of “To advertise” in the same section the words “, or to publish by means of broadcasting or television, and derivations of the expression ‘to advertise’ have corresponding interpretations”;**

in the same edition
of the same edition
of the same edition

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 April, 1957.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 16 April, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make further provisions with respect to the administration and enforcement of the Pure Food Act, 1908, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pure Food (Amendment) Act, 1957."

Short title,
citation
and com-
mencement.

82839 232—

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Pure Food (Amendment).

(2) The Pure Food Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Pure Food Act, 1908-1957.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pure Food Act, 1908-1953, is amended—

Amendment of Act No. 31, 1908.

- (a) (i) by omitting from section four the definition of "Authorised";
- 10 (ii) by omitting from the definition of "Officer" in the same section the words "or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police" and by inserting in lieu thereof the words "or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act";
- 15
- 20
- 25 (iii) by inserting at the end of the definition of "To advertise" in the same section the words ", or to publish by means of broadcasting or television, and derivations of the expression 'to advertise' have corresponding interpretations";
- 30 ~~(iii)~~ (iv) by inserting at the end of the same section the following new subsection:—
 - (2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers,
- 35

Sec. 4. (Interpretation.)

Pure Food (Amendment).

powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

(b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst";

Sec. 6.
(Advisory committee.)

(c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board";

Sec. 9.
(Administration of Act.)

(d) by inserting next after section seventeen the following new section:—

New sec. 17A.

17A. Any person who advertises any statement—

Board may require information

(a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or

concerning advertised food, drug or appliance.

(b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes

Pure Food (Amendment).

- purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect,
- 5 shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the
- 10 appliance together with such other information relating to the food, drug, or appliance as the board may, in such notice, have required.
- The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under
- 15 subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.
- (e) by omitting the proviso to subsection one of
- 20 section twenty-two and by inserting in lieu thereof the following proviso:—
- Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise
- 25 than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times
- 30 or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.
- (f) by inserting at the end of section thirty-six the
- 35 following new subsections:—
- (3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

Sec 36.
(Penalty for offence against this Act.)

Pure Food (Amendment).

commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

(a) be paid to the local authority; and

(b) be allocated by the local authority to the appropriate fund kept by the local authority.

(4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

(g) by inserting in section thirty-seven after the word "authorised" the words "in writing by the board";

Sec. 37.
(Interference with official marks or seals.)

(h) (i) by omitting from paragraph (a) of section thirty-eight the words "or authorised person" wherever occurring;

Sec. 38.
(Obstruction of officer in discharge of his duties.)

(ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

(i)

Pure Food (Amendment).

(i) by inserting next after section forty the following new section:— New sec. 40A.

5 40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf. Officers authorised by board not to commence prosecutions without approval.

10 In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which
15 report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an
20 approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the
25 Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

(j) by omitting from subsection two of section fifty- Sec. 51.
one the words "specially authorised officer" and (Power to require information to be made available.)
30 by inserting in lieu thereof the words "officer authorised in writing either generally or in a particular case in that behalf by the board";

(k) by inserting next after section fifty-three the following new section:— New sec. 53A.

35 53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing Certain officers to submit reports to board.

Pure Food (Amendment).

showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement.

- 5 (1) (i) by omitting from subsection one of section fifty-four the word "shortly"; Sec. 54.
(Regulations made
- (ii) by inserting in the same subsection after the words "pictorial matter" the words ", or the broadcasting by wireless transmission of any statement," on recommendation of advisory committee.)
- 10

This Report was prepared in the Legislative Assembly, and having this day been read by the Speaker in the Legislative Assembly.

Printed and Published by the Legislative Assembly.

Legislative Assembly of the Province of Ontario
Session of 1907-8
Volume 10
Part 1

Printed and Published by the Legislative Assembly.
Toronto, Ontario, Canada.
1908.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

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of Act No.
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- 10 (ii) by omitting from the definition of "Officer" in the same section the words "or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police" and by inserting in lieu thereof the words "or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act";
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- 20 (iii) by inserting at the end of the definition of "To advertise" in the same section the words " , or to publish by means of broadcasting or television, and derivations of the expression 'to advertise' have corresponding interpretations";
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- 30 ~~(iii)~~ (iv) by inserting at the end of the same section the following new subsection:—
- (2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers,
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Pure Food (Amendment).

5 powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

10 Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

15 (b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst";

20 (c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board";

25 (d) by inserting next after section seventeen the following new section:—

30 17A. Any person who advertises any statement—

(a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or

35 (b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes

Sec. 6.
(Advisory
committee.)

Sec. 9.
(Adminis-
tration of
Act.)

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Board may
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or
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Pure Food (Amendment).

purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect,

5 shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the appliance together with such other information
10 relating to the food, drug, or appliance as the board may, in such notice, have required.

15 The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

20 (e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

25 Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may
30 authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

35 (f) by inserting at the end of section thirty-six the following new subsections:—

Sec 36.
(Penalty for offence against this Act.)

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Pure Food (Amendment).

5 commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

(a) be paid to the local authority; and

(b) be allocated by the local authority to the appropriate fund kept by the local authority.

10 (4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

25 (g) by inserting in section thirty-seven after the word "authorised" the words "in writing by the board";

Sec. 37.
(Interference with official marks or seals.)

30 (h) (i) by omitting from paragraph (a) of section thirty-eight the words "or authorised person" wherever occurring;

Sec. 38.
(Obstruction of officer in discharge of his duties.)

(ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

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Pure Food (Amendment).

- (i) by inserting next after section forty the following new section:— New sec. 40A.

5 40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf. Officers authorised by board not to commence prosecutions without approval.

10 In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which
15 report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an
20 approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the
25 Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

- (j) by omitting from subsection two of section fifty-one the words "specially authorised officer" and by inserting in lieu thereof the words "officer authorised in writing either generally or in a particular case in that behalf by the board"; Sec. 51. (Power to require information to be made available.)

- (k) by inserting next after section fifty-three the following new section:— New sec. 53A.

35 53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing Certain officers to submit reports to board.

Pure Food (Amendment).

showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement.

- 5 (1) (i) by omitting from subsection one of section fifty-four the word "shortly";
- (ii) by inserting in the same subsection after the words "pictorial matter" the words ", or the broadcasting by wireless transmission of any statement,".
- 10

Sec. 54.
(Regulations made on recommendation of advisory committee.)

and the fact that the defendant's attention is to the

1907

the work performed by him in the

admission of the defendant to the period of
the month next preceding the date of sub-
mission of the statement.

(i) by omitting from subsection one of section 10
the words "the work performed by him in the

(ii) by inserting in the same subsection after the
the words "the work performed by him in the
or the proceeding in which the statement
of any statement."

Robert A. H. ...

...

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15 police" and by inserting in lieu thereof the
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20 police force authorised by the Commis-
sioner of Police or by any superintendent
of police to act as an officer for the purposes
of this Act";

25 (iii) by inserting at the end of the same section
the following new subsection:—

(2) Any authority to act as an officer for
the purposes of this Act, granted to any
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the police force by the Commissioner of
30 Police or by any superintendent of police,
may authorise that person or member of
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powers, authorities, duties and functions
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Pure Food (Amendment).

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Pure Food (Amendment).

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The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

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(e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

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Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

30

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(f) by inserting at the end of section thirty-six the following new subsections:—

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(Penalty for offence against this Act.)

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

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(ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

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15 report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an
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(Regulations made on recommendation of advisory committee.)
- 10 (ii) by inserting in the same subsection after the words "pictorial matter" the words ", or the broadcasting by wireless transmission of any statement,".

[9d.]

and having said that, I am sure that the
Commission will be able to handle the
situation in the most satisfactory manner.
I am, Sir, very respectfully,
Your obedient servant,
[Signature]

(3)

—333—

PURE FOOD (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to require certain "officers" under the Pure Food Act, 1908, as amended, to be authorised to act as officers by the Board of Health or by the Commissioner of Police or a superintendent of police;
- (b) to require persons advertising certain statements in respect of foods or drugs or certain appliances to furnish certain information to the Board of Health;
- (c) to appropriate one-half of the amount of penalties recovered in prosecutions instituted by officers who are employees of local authorities to the funds of that local authority;
- (d) to require all persons authorised to act as officers by the Board of Health to obtain the approval of the president of the Board before commencing any prosecution for any offence under the Act or the regulations, and to submit quarterly returns of their work under the Act to the Board;
- (e) to give to the court a discretion as to whether or not convictions under the Pure Food Act, 1908, as amended, against licensees under the Liquor Act, 1912, as amended, or licensed premises should be recorded for any of the purposes of the Liquor Act, 1912, as amended;
- (f) to confer on the Board of Health a power to make regulations prohibiting the broadcasting of any false or misleading statement in relation to any food or drug;
- (g) to make other provisions of a minor or consequential character.

No. , 1957.

A BILL

To make further provisions with respect to the administration and enforcement of the Pure Food Act, 1908, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended, and certain other Acts; and for purposes connected therewith.

[MR. SHEAHAN;—11 April, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pure Food (Amendment) Act, 1957."

Short title,
citation
and com-
mencement.

Pure Food (Amendment).

(2) The Pure Food Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Pure Food Act, 1908-1957.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pure Food Act, 1908-1953, is amended—

Amendment
of Act No.
31, 1908.

(a) (i) by omitting from section four the definition of "Authorised";

Sec. 4.
(Inter-
pretation.)

10 (ii) by omitting from the definition of "Officer" in the same section the words "or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police" and by inserting in lieu thereof the words "or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act";

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20 (iii) by inserting at the end of the same section the following new subsection:—

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30 (2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such
35 places

Pure Food (Amendment).

5 places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

10 Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

15 (b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst"; Sec. 6. (Advisory committee.)

20 (c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board"; Sec. 9. (Administration of Act.)

25 (d) by inserting next after section seventeen the following new section:— New sec. 17A.

17A. Any person who advertises any statement— Board may require information concerning advertised food, drug or appliance.

30 (a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or

35 (b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes

Pure Food (Amendment).

purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect,

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shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the appliance together with such other information relating to the food, drug, or appliance as the board may, in such notice, have required.

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The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

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(e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

25

Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

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(f) by inserting at the end of section thirty-six the following new subsections:—

Sec 36.
(Penalty for offence against this Act.)

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Pure Food (Amendment).

5 commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

(a) be paid to the local authority; and

(b) be allocated by the local authority to the appropriate fund kept by the local authority.

10 (4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

25 (g) by inserting in section thirty-seven after the word “authorised” the words “in writing by the board”;

Sec. 37.
(Interference with official marks or seals.)

30 (h) (i) by omitting from paragraph (a) of section thirty-eight the words “or authorised person” wherever occurring;

Sec. 38.
(Obstruction of officer in discharge of his duties.)

(ii) by omitting from paragraph (c) of the same section the words “or person as aforesaid”;

(i)

Pure Food (Amendment).

(i) by inserting next after section forty the following new section:— New sec. 40A.

5 40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf. Officers authorised by board not to commence prosecutions without approval.

10 In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which
15 report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an
20 approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the
25 Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

(j) by omitting from subsection two of section fifty-one the words "specially authorised officer" and by inserting in lieu thereof the words "officer authorised in writing either generally or in a particular case in that behalf by the board"; Sec. 51. (Power to require information to be made available.)

(k) by inserting next after section fifty-three the following new section:— New sec. 53A.

35 53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing Certain officers to submit reports to board.

Pure Food (Amendment).

showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement.

- 5 (1) (i) by omitting from subsection one of section fifty-four the word "shortly";
- (ii) by inserting in the same subsection after the words "pictorial matter" the words ", or the broadcasting by wireless transmission of any statement,".
- 10
- Sec. 54.
(Regulations made on recommendation of advisory committee.)
-

BOOK

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 27, 1957.

An Act to make further provisions with respect to the administration and enforcement of the Pure Food Act, 1908, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended, and certain other Acts; and for purposes connected therewith. [Assented to, 1st May, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pure Food (Amendment) Act, 1957."

87848 [4d.]

(2) Short title, citation and commencement.

Pure Food (Amendment).

(2) The Pure Food Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Pure Food Act, 1908-1957.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
31, 1908.

Sec. 4.
(Inter-
pretation.)

2. The Pure Food Act, 1908-1953, is amended—

- (a) (i) by omitting from section four the definition of “Authorised”;
- (ii) by omitting from the definition of “Officer” in the same section the words “or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police” and by inserting in lieu thereof the words “or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act”;
- (iii) by inserting at the end of the definition of “To advertise” in the same section the words “, or to publish by means of broadcasting or television, and derivations of the expression ‘to advertise’ have corresponding interpretations”;
- (iv) by inserting at the end of the same section the following new subsection:—

(2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers,

Pure Food (Amendment).

powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

- (b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst"; Sec. 6. (Advisory committee.)
- (c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board"; Sec. 9. (Administration of Act.)
- (d) by inserting next after section seventeen the following new section:— New sec. 17A.
- 17A. Any person who advertises any statement— Board may require information concerning advertised food, drug or appliance.
- (a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or
- (b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes,

Pure Food (Amendment).

purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect,

shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the appliance together with such other information relating to the food, drug, or appliance as the board may, in such notice, have required.

The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

- (e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

Sec 36.
(Penalty for offence against this Act.)

- (f) by inserting at the end of section thirty-six the following new subsections:—

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Pure Food (Amendment).

commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

(a) be paid to the local authority; and

(b) be allocated by the local authority to the appropriate fund kept by the local authority.

(4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

(g) by inserting in section thirty-seven after the word "authorised" the words "in writing by the board";

Sec. 37.
(Interference with official marks or seals.)

(h) (i) by omitting from paragraph (a) of section thirty-eight the words "or authorised person" wherever occurring;

Sec. 38.
(Obstruction of officer in discharge of his duties.)

(ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

(i)

Pure Food (Amendment).

New sec.
40A.

- (i) by inserting next after section forty the following new section:—

Officers
authorised
by board
not to
commence
prosecutions
without
approval.

40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf.

In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

Sec. 51.
(Power to
require in-
formation
to be made
available.)

- (j) by omitting from subsection two of section fifty-one the words “specially authorised officer” and by inserting in lieu thereof the words “officer authorised in writing either generally or in a particular case in that behalf by the board”;

New sec.
53A.

- (k) by inserting next after section fifty-three the following new section:—

Certain
officers
to submit
reports
to board.

53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing

Pure Food (Amendment).

showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement.

- (1) (i) by omitting from subsection one of section fifty-four the word "shortly"; Sec. 54.
(Regulations made on recommendation of advisory committee.)
- (ii) by inserting in the same subsection after the words "pictorial matter" the words ", or the broadcasting by wireless transmission of any statement,".

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1957.

Four Year (1964-1967)

showing the work performed by him in the administration of the ... during the period of three months ... ending the date of submission of the statement

- (i) ...
- (ii) ...

Sec 27
(b)
...

...

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 April, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 27, 1957.

An Act to make further provisions with respect to the administration and enforcement of the Pure Food Act, 1908, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended, and certain other Acts; and for purposes connected therewith. [Assented to, 1st May, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pure Food (Amendment) Act, 1957."
- (2) Short title, citation and commencement.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Pure Food (Amendment).

(2) The Pure Food Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Pure Food Act, 1908-1957.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
31, 1908.

Sec. 4.
(Inter-
pretation.)

2. The Pure Food Act, 1908-1953, is amended—

- (a) (i) by omitting from section four the definition of “Authorised”;
- (ii) by omitting from the definition of “Officer” in the same section the words “or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police” and by inserting in lieu thereof the words “or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act”;
- (iii) by inserting at the end of the definition of “To advertise” in the same section the words “, or to publish by means of broadcasting or television, and derivations of the expression ‘to advertise’ have corresponding interpretations”;
- (iv) by inserting at the end of the same section the following new subsection:—

(2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers,

Pure Food (Amendment).

powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

- (b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst"; Sec. 6. (Advisory committee.)
- (c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board"; Sec. 9. (Administration of Act.)
- (d) by inserting next after section seventeen the following new section:— New sec. 17A.
- 17A. Any person who advertises any statement— Board may require information concerning advertised food, drug or appliance.
- (a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or
- (b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes,

Pure Food (Amendment).

purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect,

shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the appliance together with such other information relating to the food, drug, or appliance as the board may, in such notice, have required.

The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

- (e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

Sec 36.
(Penalty for offence against this Act.)

- (f) by inserting at the end of section thirty-six the following new subsections:—

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Pure Food (Amendment).

commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

- (a) be paid to the local authority; and
- (b) be allocated by the local authority to the appropriate fund kept by the local authority.

(4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

- (g) by inserting in section thirty-seven after the word "authorised" the words "in writing by the board"; Sec. 37.
(Interference with official marks or seals.)
- (h) (i) by omitting from paragraph (a) of section thirty-eight the words "or authorised person" wherever occurring; Sec. 38.
(Obstruction of officer in discharge of his duties.)
- (ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

(i)

Pure Food (Amendment).

New sec.
40A.

- (i) by inserting next after section forty the following new section:—

Officers
authorised
by board
not to
commence
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40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf.

In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

Sec. 51.
(Power to
require in-
formation
to be made
available.)

- (j) by omitting from subsection two of section fifty-one the words "specially authorised officer" and by inserting in lieu thereof the words "officer authorised in writing either generally or in a particular case in that behalf by the board";

New sec.
53A.

- (k) by inserting next after section fifty-three the following new section:—

Certain
officers
to submit
reports
to board.

53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing

Pure Food (Amendment).

showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement.

- (1) (i) by omitting from subsection one of section fifty-four the word "shortly";
- (ii) by inserting in the same subsection after the words "pictorial matter" the words "or the broadcasting by wireless transmission of any statement,".
- Sec. 54.
(Regulations made on recommendation of advisory committee.)

In the name and on behalf of Her Majesty I assent to this Act.

K. W. STREET,
by Deputation from
His Excellency the Governor.

Government House,
Sydney, 1st May, 1957.

12

1871

Received of the Treasurer of the
Board of Directors of the
City of New York

the sum of

Five hundred and no/100 Dollars

for

Interest on the City of New York

Bonds for the year 1871

to the order of

John A. Dix

Treasurer

of the City of New York

in full for

the sum of

Five hundred and no/100 Dollars

for

Interest on the City of New York

Bonds for the year 1871

to the order of

John A. Dix

Treasurer

of the City of New York

12

12