

A BILL

To prevent the sale within the County of Cumberland of Provisions unfit for the food of man.

WHEREAS it is expedient to prevent the sale of Provisions in Preamble.

Sydney unfit for the food of man Be it therefore 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 5 Parliament assembled and by the authority of the same as follows :—

1. It shall be lawful for the Governor General by and with the One or more persons may be appointed to carry Act into effect. advice and consent of the Executive Council within three months of the passing of this Act to appoint during pleasure one or more persons to carry into effect the powers authorities and provisions of this Act.

10 2. Any person appointed as aforesaid shall be called " Inspector of " Inspector of Provisions." Provisions " and shall be paid a sum not exceeding and shall be appointed to act as such Inspector within such district of the County of Cumberland as shall be fixed by the Governor with the advice aforesaid.

15 3. Any such Inspector of Provisions may at all reasonable times Powers of Inspector. inspect and examine any carcass meat poultry game flesh fish fruit vegetables corn meal bread or flour exposed for sale or on their way to slaughtering dressing or preparation for sale or stored for use or landed from any ship or vessel in the Port of Sydney and in case any such carcass
20 meat poultry game flesh fruit vegetables corn bread or flour appear to him as unfit for the food of man the same shall be seized and if it appear to any Police Magistrate that any such carcass meat poultry game flesh fish fruit vegetables corn bread or flour is unfit for the food of man he shall order the same to be destroyed or to be so disposed of as to prevent its
25 being exposed for sale or used for such food And the person to whom such carcass meat poultry game flesh fish fruit vegetables corn bread or flour belongs or in whose custody the same is found shall be liable to a penalty not exceeding for every carcass or for the parcel of fish meat poultry fruit vegetables corn meat and flour so found.

Power to enter
premises.

4. The Inspector of Provisions may for the purpose of the preceding section enter any premises at all reasonable hours or at all hours during which business is carried on on the premises without notice.

Penalty for obstruct-
ing Inspector.

5. Any person wilfully obstructing any person acting under the authority of this Act or employed in the execution of this Act shall be 5 liable to a penalty of

Authority to summon
assessors.

6. At the hearing of any proceeding under this Act it shall be lawful for the Justices at the request of the Inspector of Provisions or of the defendant to summon two skilled persons to act as assessors at the hearing of such proceedings who shall be entitled to be paid for acting as 10 such assessors according to a schedule of fees to be fixed by the Governor with the advice of the Executive Council.

Recovery of Pen-
alties.

7. Penalties imposed under this Act for offences committed and sums of money ordered to be paid under this Act may be recovered by persons thereto competent according to the provisions of the Justice's Act 15 of 1850.

Legislative Council.

21^o VICTORIÆ, 1858.

ARTICLES OF FOOD INSPECTION BILL.

(As proposed to be amended in Select Committee.)

A BILL

To protect the public against the sale of unwholesome and deleterious articles of food.

WHEREAS it is expedient to make better provision for the protection Preamble.
of the public against the sale of unwholesome and deleterious
articles of food Be it therefore enacted by the Queen's Most Excellent
Majesty by and with the advice and consent of the Legislative Council
5 and Legislative Assembly of New South Wales in Parliament assembled
and by the authority of the same as follows:—

1. It shall be lawful for the Governor with the advice of the Inspectors of Provi-
sions may be ap-
pointed.
Executive Council to appoint Inspectors of Provisions to carry into effect
within such districts of the Colony as may respectively be assigned to
10 them by the advice aforesaid the several provisions of this Act.

2. Any such Inspector of Provisions may at all reasonable times Powers of Inspector.
inspect and examine any carcass meat poultry game flesh fish fruit
vegetables corn rice meal bread or flour exposed or offered for sale or in
the course of or on their way to slaughtering dressing or preparation for
15 sale or use or stored for sale or use or landed from any ship or vessel in
any Port in New South Wales and in case any such carcass meat poultry
game flesh fish fruit vegetables corn rice meal bread or flour appear to
him to be unfit for the food of man the same may be seized and if it
appear to a Justice that any such carcass meat poultry game flesh fish
20 fruit vegetables corn rice meal bread or flour is unfit for the food of man
he shall order the same to be destroyed or to be so disposed of as to pre-
vent its being exposed for sale or used for such food And the person to
whom such carcass meat poultry game flesh fish fruit vegetables corn rice
meal bread or flour belongs or in whose custody the same is found shall
25 be liable to a penalty not exceeding for every carcass fish or
piece of meat flesh or fish or any poultry or game or for any parcel of
fruit vegetables corn rice bread meal or flour so found.

3. Any Inspector of Provisions may for the purposes of the preceding section enter any premises in which articles of food shall be openly exposed for sale at all reasonable hours or at all hours during which business is carried on on the premises without notice And in the case of 5 those premises in which articles of food are stored warehoused or kept for use or sale the Inspector may apply to any Justice who upon reasonable cause being shewn upon oath is hereby empowered and required to issue a warrant authorizing such entry and under such warrant the Inspector shall exercise the powers hereinbefore provided.

10 4. If any person shall mix any unsound or unwholesome flour unfit for the food of man with sound flour with intent to sell the same he shall be liable on conviction to pay a penalty of not less than [*ten*] nor more than [*one hundred pounds*] for every such offence.

5. Nothing in this Act contained shall be deemed to alter or 15 repeal any of the provisions of the Acts of the Governor and Council sixth William Fourth number one sixteenth Victoria number thirteen and nineteenth Victoria number nineteen and every Inspector of Provisions appointed under this Act shall concurrently with any Inspector of Nuisances or other person specially authorized in that behalf have full 20 power and authority to carry out the several and respective provisions of the said recited Acts.

Legislative Council.

21^o VICTORIÆ, 1858.

ARTICLES OF FOOD INSPECTION BILL.

(As amended in Select Committee.)

A BILL

To protect the public against the sale of unwholesome and deleterious articles of food.

WHEREAS it is expedient to make better provision for the protection Preamble.
of the public against the sale of unwholesome and deleterious
articles of food Be it therefore enacted by the Queen's Most Excellent
Majesty by and with the advice and consent of the Legislative Council
5 and Legislative Assembly of New South Wales in Parliament assembled
and by the authority of the same as follows:—

1. In the construction of this Act the word "Provisions" shall be Interpretation clause.
taken to mean any carcass meat poultry game flesh fish milk fruit vegetables
corn rice meal flour or bread offered or exposed for sale as food for human
10 consumption or which there is probable cause to believe is intended for
human consumption.

2. It shall be lawful for the Governor with the advice of the Inspectors of Provi-
sions may be ap-
pointed.
Executive Council to appoint Inspectors of Provisions to carry this Act
into effect within such districts as may respectively be assigned to them.

15 3. Any such Inspector of Provisions may at all reasonable times Powers of Inspector.
inspect and examine any such provisions as aforesaid exposed or offered
for sale or in the course of or on their way to slaughtering dressing or
preparation for sale or use or stored for sale or use or landed from any ship
or vessel in any Port in New South Wales and in case any provisions
20 appear to him to be unfit for human consumption the same may be seized
and if it appear to a Justice that any such provisions are unfit for
human consumption he shall order the same to be destroyed or so to be
disposed of as to prevent their being used for human consumption.

4. The person to whom any such article so seized belongs shall on Penalties.
25 conviction before any Justice be liable to a penalty not exceeding (*five*
pounds) for every carcass or fish or separate and distinct piece of meat or
flesh or fish or head of poultry or game or for any quantity of milk or for
any parcel of fruit vegetables corn rice bread meal or flour unfit for human
consumption so seized And every person from whose custody or on whose
30 premises the same was taken shall be deemed to be the owner thereof
unless he shall prove some other person to be the owner.

Powers of entry.

5. For the purposes of this Act any Inspector of Provisions may without notice enter any premises in which provisions are ordinarily exposed for sale at all reasonable hours or at any hour during which business is there carried on.

Entry to inspect warehouses.

6. Where any provisions shall be stored in any warehouse or other place not being a shop or stall it shall be lawful for any Justice upon reasonable cause being shewn upon oath for believing that such provisions are unfit for human consumption to issue a warrant authorizing any Inspector of Provisions to enter such warehouse or other place and to exercise in respect of such provisions the powers hereinbefore given. 10

Mixing unsound flour with sound.

7. If any person shall mix any unsound or unwholesome flour unfit for human consumption with sound flour with intent to sell the same he shall be liable on conviction to pay a penalty of not less than (*ten*) nor more than (*one hundred pounds*) for every such offence And every person in whose possession or upon whose premises any such mixed flour shall be found shall be deemed to hold the same with intent to sell it for human consumption unless he shall prove the contrary to the satisfaction of the Justice before whom the case shall be heard. 15

Inspector disclosing information.

8. Any Inspector disclosing any information respecting the business carried on in the premises where the provisions shall be stored except for the purposes of this Act shall be liable to a penalty of 20 on conviction before any Justice of the Peace.

Penalty for obstructing Inspector.

9. Any person wilfully obstructing any person acting under the authority of this Act or employed in the execution of this Act shall be liable to a penalty of on conviction before any Justice of 25 the Peace.

A chemist or other skilled person may be employed.

10. It shall be lawful for any Justice before whom any case shall be brought under the provisions of this Act for his own satisfaction or at the request of any Inspector of Provisions or of the defendant to employ a chemist or other skilled person to analyse or examine any such provisions in order to ascertain whether they are unfit for human consumption and to give evidence at the hearing of such case And every such chemist or skilled person shall be entitled to be paid according to the Schedule of Fees hereunto annexed. 30

Not to alter or repeal certain Acts.

11. Nothing in this Act contained shall be deemed to alter or repeal any of the provisions of the Acts of the Governor and Council sixth William Fourth number one sixteenth Victoria number thirteen and nineteenth Victoria numbers nineteen and twenty-three and every Inspector of Provisions appointed under this Act shall concurrently with any Inspector 35

Inspector of Nuisances or other person specially authorized in that behalf have full power and authority to carry out the several and respective provisions of the said recited Acts.

12. Penalties imposed under this Act for offences committed and ^{Recovery of Penalties.} sums of money ordered to be paid under this Act may be recovered by persons thereto competent according to the provisions of the Justices' Act of 1850.

13. No information summons order conviction warrant or other ^{Convictions &c. not void for want of form.} proceeding under this Act shall be quashed or vacated for want of form only.

14. If any person shall think himself aggrieved by any conviction ^{Appeal to Quarter Sessions.} or order of any Justice for any offence committed against this Act in any penalty exceeding ten pounds it shall be lawful for such person to appeal to the Court of General Quarter Sessions of the Peace to be holden for the 15 district wherein the offence shall have been committed.

SCHEDULE OF FEES.

To a chemist for every analysis	£
To a skilled person for every examination	£

A BILL

To protect the public against the sale of unwholesome and deleterious articles of food.

(As Amended in Committee of the whole House.)

WHEREAS it is expedient to prevent the sale of Provisions unfit Preamble.
for the food of man Be it therefore 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
5 assembled and by the authority of the same as follows :—

1. In the construction of this Act the word "Provisions" shall Interpretation clause.
be taken to mean any carcass meat poultry game flesh eggs fish milk fruit
vegetables corn rice meal flour or bread or any part or quantity of any
such articles respectively offered or exposed for sale or in the course of
10 dressing or preparation for sale or use or stored for sale or use or landed
from any ship or vessel and which severally shall be intended for use as
human food or which there is reason to believe are intended for human
food.

2. It shall be lawful for the Governor with the advice of the Inspectors of Provi-
15 Executive Council to appoint Inspectors of Provisions to carry this Act sions may be ap-
pointed.
into effect within such districts as may respectively be assigned to them
by the Governor with the advice aforesaid in any Proclamation published
in the *Government Gazette*.

3. Any such Inspector may at all reasonable times inspect and Powers of Inspectors.
20 examine all such provisions as aforesaid and if any such provisions appear
to him to be unfit for human food they may be seized and detained or
removed by him for safe custody and if it shall appear to any two
Justices having view thereof that the whole or any part thereof is unfit
for human food they shall order the same or the part so deemed to be
25 unfit to be destroyed or so to be disposed of as to prevent its being
used for human food Provided that the owner or person on whose
premises the provisions were found shall previously have had notice of the
intended hearing before the Justices with reasonable opportunity of
attending such hearing.

Proviso for restoring
articles.

4. Provided also that on the application of any person claiming to be the owner of any provisions so seized or of the premises on which the same were seized and on reasonable security to be approved of by any Justice such provisions shall be delivered up to the person so applying such security to be by bond to the Inspector conditioned to perform 5 such order if any as shall be made by the Justices acting thereafter in that behalf for the destruction or other disposal of such provisions and in the meantime that the same shall not be sold and that they shall be forthcoming for the purpose of examination or identification as any Justice shall from time to time require. 10

Cases where im-
mediate destruction is
necessary.

5. Provided further that where any part of the provisions seized is in such a state that the same cannot be kept until the hearing of the case or can be kept only at the risk of probable injury to the public health or of the same being a nuisance or otherwise offensive the Inspector may by order of any one Justice destroy the same. 15

Penalties.

6. The person to whom any article so seized belongs shall be liable to a penalty not exceeding (*five pounds*) for every carcass or fish or separate and distinct piece of meat or flesh or fish or head of poultry or game and for every vessel of milk or for any parcel of eggs fruit vegetables corn rice bread meal or flour unfit for human food so seized And 20 every person from whose custody or on whose premises the same was taken shall be deemed to be the owner thereof unless he shall prove some other person to be the owner.

Powers of entry.

7. For the purposes of this Act any Inspector of Provisions may without notice enter any premises in which provisions are ordinarily 25 exposed for sale at all reasonable hours or at any hour during which business is there carried on.

Entry to inspect
warehouses.

8. Where any provisions are stored in any warehouse or other place not being a shop or stall it shall be lawful for any Justice upon reasonable cause being shewn upon oath for believing that such provisions 30 are unfit for human food to issue a warrant authorizing any Inspector of Provisions to enter such warehouse or other place and to exercise in respect of such provisions the powers hereinbefore given.

Mixing unsound
flour with sound.

9. If any person shall mix any unsound or unwholesome flour unfit for human food with sound flour with intent to sell the same for such food 35 he shall be liable on conviction to pay a penalty of not less than (*ten*) nor more than (*one hundred pounds*) for every such offence. And the whole of such mixed flour shall be deemed provisions for all the purposes of this Act. 10.

10. Any person wilfully obstructing any person acting under the authority of this Act or employed in the execution of this Act shall be liable to a penalty of not exceeding twenty pounds.

Penalty for obstructing Inspector.

11. The Justices before whom any case shall be brought under this Act shall at the request of any Inspector of Provisions or of the owner or person charged with having for sale as human food provisions unfit for human food employ a chemist or other skilled person to analyse or examine any such provisions in order to ascertain whether they are unfit for human food or not And every such chemist or skilled person shall be paid by the party requiring him according to the Schedule of Fees hereunto annexed.

A chemist or other skilled person may be employed.

12. Nothing in this Act contained shall be deemed to alter or repeal any of the provisions of the Acts of the Governor and Council sixth William Fourth number one sixteenth Victoria number thirteen and nineteenth Victoria numbers nineteen and twenty-three and every Inspector of Provisions appointed under this Act shall concurrently with any Inspector of Nuisances or other person specially authorized in that behalf have full power to carry out the several provisions of the said recited Acts.

Not to alter or repeal certain Acts.

13. All cases under this Act may be heard and determined and all penalties awarded by it for offences may be imposed before and by any two Justices of the Peace according to the provisions of any Act or Acts in force for regulating Summary Proceedings before Justices.

Recovery of Penalties.

14. If any person shall think himself aggrieved by any conviction or order under this Act in respect of any penalty or sum exceeding ten pounds or any article or articles of food exceeding in value ten pounds it shall be lawful for such person at any time within fourteen days to appeal to the then next Court of General or Quarter Sessions to be holden within or nearest to the district wherein the case shall have been decided.

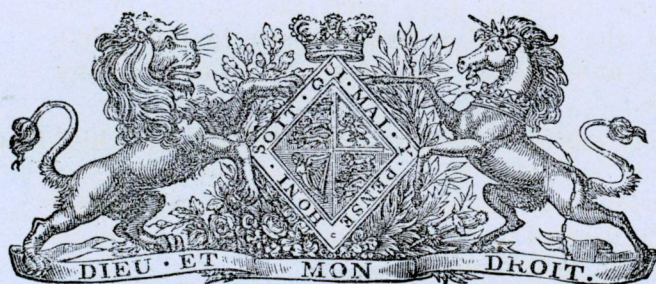
Appeal to Quarter Sessions.

This PUBLIC BILL, having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,
Sydney, 13th August, 1858. }

WM. MACPHERSON,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to protect the public against the sale of unwholesome and deleterious articles of food.

WHEREAS it is expedient to prevent the sale of Provisions unfit Preamble.
for the food of man Be it therefore 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
5 assembled and by the authority of the same as follows :—

1. In the construction of this Act the word "Provisions" shall Interpretation clause.
be taken to mean any carcass meat poultry game flesh eggs fish milk fruit
vegetables corn rice meal flour or bread or any part or quantity of any
such articles respectively offered or exposed for sale or in the course of
10 dressing or preparation for sale or use or stored for sale or use or landed
from any ship or vessel and which severally shall be intended for use as
human food.

2. It shall be lawful for the Governor with the advice of the Inspectors of Provi-
Executive Council to appoint Inspectors of Provisions to carry this Act sions may be ap-
15 into effect within such districts as may respectively be assigned to them pointed.
by the Governor with the advice aforesaid in any Proclamation published
in the *Government Gazette*.

3. Any such Inspector may at all reasonable times inspect and Powers of Inspectors.
examine all such provisions as aforesaid intended or which there is reason
20 to believe are intended for human food and if any such provisions appear
to him to be unfit for human food they may be seized and detained or
removed by him for safe custody and if it shall appear to any two Justices
having view thereof that the whole or any part thereof is intended and unfit
for human food they shall order the same or the part so deemed to be
25 unfit to be destroyed or so to be disposed of as to prevent its being

Articles of Food Inspection Act.—1858.

used for human food Provided that the owner or person on whose premises the provisions were found shall previously have had notice of the intended hearing before the Justices with reasonable opportunity of attending such hearing.

5 4. Provided also that on the application of any person claiming to be the owner of any provisions so seized or of the premises on which the same were seized and on reasonable security to be approved of by any Justice such provisions shall be delivered up to the person so applying such security to be by bond to the Inspector conditioned to perform
10 such order if any as shall be made by the Justices acting thereafter in that behalf for the destruction or other disposal of such provisions.

Proviso for restoring articles.

5. Provided further that where any part of the provisions seized is in such a state that the same cannot be kept until the hearing of the case or can be kept only at the risk of probable injury to the public
15 health or of the same being a nuisance the Inspector may by order of any one Justice destroy the same.

Cases where immediate destruction is necessary.

6. The person to whom any provisions so seized belong and which are unfit for human food shall be liable to a penalty of not exceeding twenty pounds And every person from whose custody or on whose premises
20 the same were taken shall be deemed to be the owner thereof unless he shall prove some other person to be the owner.

Penalties.

7. Every person who shall sell or offer for sale any provisions intended but which are unfit for human food knowing the same to be so
unfit shall (whether such provisions have been seized or not) be liable to a
25 penalty of not exceeding twenty pounds.

Penalty for selling &c.

8. For the purposes of this Act any Inspector of Provisions may without notice enter any premises in which provisions are ordinarily exposed for sale at all reasonable hours or at any hour during which business is there carried on.

Powers of entry.

30 9. Where any provisions are stored in any warehouse or other place not being a shop or stall it shall be lawful for any Justice upon reasonable cause being shewn upon oath for believing that such provisions are unfit for human food to issue a warrant authorizing any Inspector of Provisions to enter such warehouse or other place and to exercise in
35 respect of such provisions the powers hereinbefore given.

Entry to inspect warehouses.

10. If any person shall mix any unsound or unwholesome flour unfit for human food with sound flour with intent to sell the same for such food
he shall be liable to pay a penalty of not less than ten nor more than one hundred pounds And the whole of such mixed flour shall be deemed
40 provisions for all the purposes of this Act.

Mixing unsound flour with sound.

11. Any person wilfully obstructing any person acting under the authority of this Act or employed in the execution of this Act shall be liable to a penalty not exceeding twenty pounds.

Penalty for obstructing Inspector.

12. The Justices before whom any case shall be brought under this Act shall at the request of any Inspector of Provisions or of the defendant
45 or the owner of the provisions in question employ a chemist or other skilled person to analyse or examine any such provisions in order to ascertain whether they are unfit for human food or not And every such chemist or skilled person shall be paid by the party requiring him according to
50 the Schedule of Fees hereunto annexed.

A chemist or other skilled person may be employed.

13. Nothing in this Act contained shall be deemed to alter or repeal any of the provisions of the Acts of the Governor and Council sixth William Fourth number one sixteenth Victoria number thirteen and nineteenth Victoria numbers nineteen and twenty-three and every Inspector of Provisions appointed under this Act shall concurrently with any
55 Inspector of Nuisances or other person specially authorized in that behalf have full power to carry out the several provisions of the said recited Acts.

Not to alter or repeal certain Acts.

Articles of Food Inspection Act.—1858.

14. All cases under this Act may be heard and determined and all penalties awarded by it for offences may be imposed before and by any two Justices of the Peace according to the provisions of any Act or Acts in force for regulating Summary Proceedings before Justices.

Recovery of
Penalties.

5 15. If any person shall think himself aggrieved by any conviction or order under this Act in respect of any penalty or sum exceeding ten pounds or any article or articles of food exceeding in value ten pounds it shall be lawful for such person at any time within fourteen days to appeal to the then next Court of General or Quarter Sessions to be holden
10 within or nearest to the district wherein the case shall have been decided.

Appeal to Quarter
Sessions.

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