**STOCK LICKS BILL 1931**

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**Legislative Council, 12 August 1931, page 1276**

Second reading

**The MINISTER of AGRICULTURE (Hon. S. R. Whitford)—**This is another of the Bills which the Government have from time to time introduced for the benefit of the primary producers. The measure now brought forward has the recommendation of the Stockowners’ Association. It is known that there are go-getters of every kind and description, and manures have been sold to primary producers which are of no value. Similarly, since the introduction of stock licks, which are of nutritive great value to the animals generally, it is found that there are a few agents going about the country selling licks which, although they might taste a little bit salty, have no nutritive merit at all. Consequently, this Bill has been introduced. A number of requests have been made to the Government from time to time by the Stockowners’ Association, the Advisory Board of Agriculture, and others suggesting that legislation should be introduced for the purpose of controlling the sale of stock licks. In support of the requests, it has been pointed out there are high priced stock licks now being sold which have practically no value except for their salt content, although the licks are held out as possessing other nutritive properties. It is obvious that the average purchaser of a stock lick cannot ascertain for himself whether the claims made on its behalf are false or not, and consequently, in the absence of legislative control, the way is open for manufacturers of and dealers in stock licks to sell their goods by the aid of advertisements claiming for them properties which, in fact, they do not possess. In Queensland and Western Australia these matters are regulated by Statute. This Bill is framed on similar lines to those Acts, and is introduced for the purpose of regulating the sale of stock licks in South Australia. It will come into operation on a day to be fixed by proclamation, and will apply to all stock licks and articles sold for use as a stock lick, clause 2 defining “stock” to include horses, camels, asses, mules, bulls, cows, heifers, calves, sheep, and lambs. Clause 3 provides that every person who sells any stock lick shall deliver to the purchaser at the time of sale or delivery of the article an invoice certificate in writing stating the following particulars:—(1) The name under which the lick is sold; (2) the percentage contents of the following ingredients:—Sodium chloride, phosphorus of animal origin, phosphorus of mineral origin, calcium carbonate, iodine, and arsenic; (3) the percentage contents of the following substances when present in quantities exceeding one-tenth of 1 per centum of the whole licit or article:—Iron, manganese, copper, uncombined sulphur, and any other substances of reputed medicinal and nutritive value; (4) any other prescribed particulars. When given, the invoice certificate will have effect as a written warranty by the seller that the particulars contained therein are correct. Consequently, if in any event the stock lick does not comply with the particulars contained in the invoice the purchaser will have the ordinary civil remedies for a breach of contract on the part of the seller. It is further provided that any statement as to the amount of the nutritive or other ingredients of an article sold for use as a stock lick made by the seller in any written document relating thereto given to the purchaser, or in any circular or advertisement descriptive of the article, shall have effect as a warranty by the seller that the facts stated are correct. The clause further provides that the Governor may make regulations enabling the name of any stock lick to be registered, together with a statement of its ingredients. On payment of the prescribed fee, the dealer may register the stock lick under its registered name, and after registration the necessity for delivering the invoice certificate upon the sale of any such stock lick will be removed if an invoice in writing is given to the purchaser referring to the stock lick by its registered name, followed by the word “registered”. In such event, the stock lick will be deemed to be warranted by the seller as complying with the registered particulars, and the same consequences as those provided in the case of an invoice certificate giving the full particulars will follow. The Governor is, under clause 4, given power to make regulations prescribing what substances are to be deemed foreign ingredients relative to stock licks, and providing that the proportion and amount of such foreign ingredients shall not exceed the proportion or amount to be prescribed. Regulations may also be made prescribing the physical and chemical standards of stock licks, and methods for determining them, and providing that no stock licks shall be sold unless the regulations are duly observed. Clause 5 provides that limits of variation may be prescribed by the Bill, and that it will not be deemed to be a breach of warranty or of the Bill if any stock lick falls short of the required ingredients by any amount within the limits of variation prescribed by regulation. Clause 6 imposes penalties for various breaches of the Bill, and provides for the imposition of a fine not exceeding £20 on any person who fails to give the necessary invoice certificate on the sale of a stock lick, or causes any such invoice certificate or description to be false in any material particular to the prejudice of the purchaser, or sells for use as a stock lick any article which contains any ingredients deleterious to stock, or to which have been added any ingredients worthless for the purpose of the stock and not disclosed in writing to the purchaser at the time of sale. Upon any proceedings for delivering a false invoice it will be a defence if the defendant proves, either that he did not know and could not with reasonable care ascertain that the invoice certificate or description was false, or that he purchased the article with a written warranty or invoice certificate from a person in this State, that the warranty or invoice certificate contained the false statement in question, that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the State in which it was purchased. It will follow, therefore, that the storekeeper who procures any stock lick from a wholesaler on the faith of a warranty given by the wholesaler that it complies with the law will not be subject to the penalty in question, as it would obviously be unreasonable for a storekeeper in such circumstances to have to take any further steps to satisfy himself on this matter. Clause 7 gives to inspectors the power to take samples for the purpose of enforcing the Bill. When a sample is taken it is to be divided into three parts. One is to be handed to the dealer or his representative, one may be used for analysis by an analyst, and one is to be retained by the inspector for future comparison. Under clause 8 the Minister is given power to publish in the “Gazette,” and in any other way he may think fit, the result of any analysis of any sample of stock lick taken by an inspector, together with the name and address of the dealer from which the sample was obtained, or of the vendor. Clause 9 imposes penalties on persons who obstruct an inspector in the course of his duty, or who refuse to permit him to take samples of a stock lick. It is provided by clause 10 that every buyer of a stock lick shall, on complying with the regulations, have the right to submit a sample thereof to an analyst for analysis, and to receive a certificate on payment of the prescribed fee. If the result of the analysis is against the seller the costs of obtaining the analysis will, under clause 11, be recoverable as a debt due to the purchaser from the seller. Clause 16 provides that prosecutions under the Bill may be instituted by the person aggrieved, by an inspector, or by any person authorised by the Director of Agriculture, and clause 17 gives the necessary power to appoint inspectors. Clause 20 provides that, notwithstanding any proceedings for offences taken under the Bill, any civil remedies open to a purchaser of stock licks shall be preserved. The remaining clauses deal with administrative and minor matters, and do not require any special comment. I move the second reading.

The Hon. H. D. YOUNG secured the adjournment of the debate until August 13.