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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

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## A BILL

To provide for the registration, control and regulation of cold storage warehouses, and of foodstuffs placed in cold storage.

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**B**E it enacted by the King'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.** This Act may be cited as the "New South Wales Short title.  
Cold Storage Act, 1920."

Commence  
ment.

**2.** This Act shall come into operation on the second day of January, one thousand nine hundred and twenty-one.

Definition.

**3.** In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Cold storage” means the storage or keeping of any article of food at or below the temperature of forty-eight degrees Fahrenheit in a cold storage warehouse, but does not include chilling or precooling therein for a period of not more than fourteen days.

“Cold storage warehouse” means any place in which the temperature is artificially cooled to and maintained at or below forty-eight degrees Fahrenheit, and in which articles of food are placed for storage.

“Commissioner” means the Commissioner of Cold Storage appointed under this Act.

“Foodstuffs” means all edible portions of animals, fish, poultry, eggs in shell or pulp, butter, butter substitutes, cheese, milk, fruit, vegetables, and food intended for human consumption.

“Licensee” means any person licensed under this Act.

“Mark” includes stamp, brand, tag, and label, and the word “marked” means stamped, branded, tagged, or labelled.

“Person” includes a partnership, corporation, company, or two or more persons having a joint or common interest.

**4.** There shall be a commissioner to be known as the Commissioner of Cold Storage, who shall be charged with the administration and enforcement of this Act.

**5.** The commissioner shall be appointed by the Governor, and shall hold office for a term of three years during good behaviour; he shall be eligible for re-appointment, and shall receive such remuneration as may be determined by the Governor.

**6.** The commissioner shall not be nor become interested in any agreement or transaction relating to foodstuffs.

**7.**

**7.** The commissioner shall appoint such officers, inspectors, and servants as he may consider necessary for the due administration of this Act, and such persons so appointed shall receive such remuneration as the commissioner may determine.

**8.** Every cold storage warehouse shall be licensed, and application for registration shall be made to the commissioner in writing, and shall state as accurately as possible the location, capacity of plant, and any other information deemed by the commissioner to be necessary, including a plan showing the situation of the cold storage chambers.

**9.** The commissioner may issue to the applicant a license, which shall be in force for a period of twelve calendar months from date of issue.

**10.** A license fee of one pound shall be paid for every license issued for a cold storage warehouse of one hundred thousand cubic feet capacity or part thereof.

**11.** Every licensee shall submit to the commissioner, in a form to be prescribed, a schedule showing rates, dues, and charges for the cold storage of or for other service rendered in respect of all foodstuffs held under this Act, and a copy of such schedule shall be open for inspection at the office of the cold storage warehouse making the return.

**12.** It shall be unlawful for the licensee, except with the written consent of the commissioner, to make any charges other than those set out in such schedule.

**13.** It shall be unlawful for any person to sell any article of food that is or has been in cold storage, unless such article of food, or the container or wrapper thereof, shall be plainly and conspicuously marked in accordance with this Act and in accordance with the regulations hereunder in such a manner as to show—

- (a) the words "cold storage" and name of cold storage warehouse where such article of food was stored;
- (b) the date upon which such article of food was placed in cold storage; and
- (c) the date upon which such article was removed from the cold storage warehouse.

**14.**

**14.** (1) It shall be unlawful for any person to divide a place in a container or transfer to a different container or wrapper any article of food which is or has been in cold storage, unless the portions of such article of food or such container or wrapper shall be marked in accordance with this Act.

(2) It shall be unlawful for any person to obliterate, mutilate, or remove or destroy any mark on any article of food or the container or wrapper thereof.

**15.** It shall be unlawful to keep any article of food in cold storage for a longer period than ten calendar months except with the written consent of the commissioner.

**16.** It shall be unlawful to return to any cold storage warehouse any article of food which has been removed from cold storage for the purpose of again placing it on the market for sale: Provided that the commissioner may, for sufficient reason, grant permission in writing for such article of food to be replaced in cold storage.

**17.** It shall be unlawful, except with the written consent of the commissioner, to transfer foodstuffs from one cold storage warehouse to another.

**18.** All primary markings, tags, and stamps placed upon such articles of food shall remain intact.

**19.** Every person who owns, controls, operates, or leases a cold storage warehouse shall keep such records and accounts and make such reports, including records of temperatures or returns, in such manner and form and at such times as the commissioner may require, and stating the amounts, kinds, and ownership of any article of food received, held, exported, or delivered, and the charges made by such cold storage warehouse for storage or other service rendered.

**20.** No person shall wilfully fail or refuse to make full and true entries in the accounts or records of the business, nor shall he alter, mutilate, conceal, or destroy any such record, nor wilfully make any report which is false, nor fail or refuse to make any report required under section seventeen.

**21.** If any person fails to comply with any of the provisions of the last preceding section the commissioner may revoke his license.

**22.**

**22.** The commissioner is hereby vested with full power and authority to inspect and supervise all cold storage warehouses and foodstuffs stored therein. He or his authorised agent shall be permitted access to such places and all parts thereof at all times for the purpose of seeing that all such place or places are kept and maintained in a clean and sanitary condition, and that all articles of food are properly preserved and kept in good order and condition, and properly marked.

**23.** On written notice by the commissioner the licensee shall remedy any defect within three days, failing which his license may be revoked :

Provided that any person may appeal to the Supreme Court against the cancellation of his license.

**24.** No licensee shall knowingly receive for cold storage nor keep in any cold storage warehouse any article of food which is diseased, tainted, unsound or otherwise unfit for human consumption.

**25.** No person suffering from any contagious disease shall be employed in any capacity in a cold storage warehouse.

**26.** With the consent of the Minister the commissioner may make purchases of foodstuffs held in cold storage, and the prices to be paid therefor shall be based on primary cost, plus storage charges, interest on capital, and cost of handling, with an added amount not exceeding five per centum.

**27.** The commissioner may, in order to ascertain such prices, examine all records of account in connection with any or all foodstuffs placed in cold storage.

**28.** The Minister may enter into such financial arrangements with an owner of foodstuffs in cold storage as will enable such owner to hold foodstuffs for or in anticipation of a time of scarcity.

**29.** The commissioner may require from any owner of foodstuffs held in cold storage, forty-eight hours' notice of such owner's intention to export the same or any part thereof.

**30.** The commissioner may investigate and ascertain the amount of production, supply, storage, and the cost of production, prices of foods, and all other costs in

reference to articles of food and the cost of conducting the business of cold storage warehouses, and obtain such other information as he may deem necessary for the purposes of this Act.

**31.** No person shall wilfully obstruct, hinder, or resist the commissioner or any duly authorised officer, employee, or agent in the performance of his duties under this Act.

**32.** The commissioner may issue or publish reports of matters coming within the scope of this Act where he deems such issue or publication to be in the public interest.

**33.** The commissioner may, with the approval of the Governor, make by-laws and regulations for carrying out the provisions of this Act, and in particular by-laws and regulations dealing with the defrosting of meat, temperatures, classification, stacking, sanitation, and construction.

**34.** The commissioner may at any time cancel the license of a cold storage warehouse: Provided that any licensee may appeal to the Supreme Court.

Necessary  
penalties for  
the enforcing  
of the Act.

**35.** Any person contravening any of the provisions of this Act shall be liable to the cancellation of his license, and shall, in lieu of or in addition to such cancellation, be liable to a penalty not exceeding *fifty* pounds.

**36.** The commissioner shall furnish to the Minister an annual report, which shall be laid on the table of Parliament.