

1917-18.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 26th September, 1918.

*(Brought in by the Minister for Trade and Customs, the Honorable
J. A. Jensen.)*

A BILL

FOR

AN ACT

To amend the *Spirits Act* 1906-1915.

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows:—

- 1.—(1.) This Act may be cited as the *Spirits Act* 1918. Short title and
citation.
- 5 (2.) The *Spirits Act* 1906-1915 is in this Act referred to as the
Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited
as the *Spirits Act* 1906-1918.
2. Section three of the Principal Act is amended— Definitions.
- 10 (a) by omitting from the definition of "Medicines" the words
"liniments and veterinary medicines" and inserting in
their stead the words "such veterinary medicines and
such liniments of the British Pharmacopœia as may
15 from time to time be prescribed under Departmental
By-laws";
- (b) by omitting the definition of "Methylating substance" and
inserting in its stead the following definition:—
- 20 " 'Methylating substance' means any substance
required by any regulation to be mixed with
spirits in order to make methylated spirits, and
includes any fractional part or ingredient of
any such substance, and particularly any such
fractional part or ingredient as may serve to aid
25 detection by means of chemical analysis of the
presence in any article of food or drink or any
medicines of a methylating substance.";

- (c) by omitting from the definition of "Methylated Spirits" the words "or any part" and inserting in their stead the words "or any fractional part or ingredient";
- (d) by omitting from the definition of "Pure Australian Standard Brandy" the words "grape wine" and inserting in their stead the words "wine the fermented juice of fresh grapes"; and 5
- (e) by omitting paragraph (a) from the definition of "Australian Blended Brandy" and inserting in its stead the following paragraph:— 10
- “(a) It must have been distilled wholly from wine the fermented juice of fresh grapes, and must contain not less than twenty-five per cent. of pure wine spirit which has been separately distilled from the fermented juice of fresh grapes by a pot still or similar process at a strength not exceeding forty per cent. over proof;” 15
- 3.** Section nine of the Principal Act is amended by omitting from paragraph (b) the words "grape wine" and inserting in their stead the words "wine the fermented juice of fresh grapes". 20
- 4.** Section fifteen of the Principal Act is amended—
- (a) by inserting in paragraph (a), after the words "methylating substance" the words "or any fractional part or ingredient thereof";
- (b) by inserting in paragraph (c), after the words "methylated spirits" the words "or spirits containing any fractional part or ingredient of a methylating substance"; and 25
- (c) by adding at the end thereof the following sub-section:—
- “(2.) It shall not be a defence to any prosecution under sub-section (1) of this section that the offence took place prior to the amendment of this Act.” 30
- 5.** Section sixteen of the Principal Act is amended by omitting from paragraph (b) the words "after the first day of January, One thousand nine hundred and seven," and by adding at the end of that paragraph the words "or methylating substance or any fractional part or ingredient thereof". 35
- 6.** Section seventeen of the Principal Act is amended by inserting, after the words "methylated spirits", the words "or methylating substance or any fractional part or ingredient thereof". 40
- 7.** Section eighteen of the Principal Act is amended—
- (a) by inserting after the words "methylating substance" (wherever occurring) the words "or any fractional part or ingredient thereof"; and
- (b) by inserting after the words "tinctures or medicines" the words "(other than veterinary medicines and liniments as prescribed under by-law)". 45

Penalty for describing spirits contrary to Act.

Penalty for refining &c. methylated spirits.

Penalty for selling, &c., illicit methylated spirits.

Forfeiture of illicit methylated spirits.

Spirits, &c., containing methylating substances.

1917-18.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

SPIRITS BILL 1918.

MEMORANDUM SHOWING THE ALTERATIONS PROPOSED
TO BE MADE IN THE PRINCIPAL ACT.

*(Circulated by the Minister for Trade and Customs, the Honorable
J. A. Jensen.)*

The words printed in erased type are words proposed to be omitted from the Principal Act.

The words printed in black type are words proposed to be added to the Principal Act.

INTERPRETATION.

Section 3 of the Principal Act, as proposed to be amended by clause 2 of the Bill, will read as follows :—

3. In this Act, unless the contrary intention appears—

“ Article of food or drink ” includes every article used for food or drink by man, and any article that enters into or is used in the composition or preparation of food or drink, and also includes confectionery, spices, condiments, and flavouring substances ;

“ Medicines ” includes medicines for internal or external application, other than ~~liniments and veterinary medicines~~ such **veterinary medicines and such liniments of the British Pharmacopœia** as may from time to time be prescribed under Departmental By-laws ;

“Methylating substance” means any substance required by any regulation to be added to spirits in order to make methylated spirits ;

“Methylating substance” means any substance required by any regulation to be mixed with spirits in order to make methylated spirits, and includes any fractional part or ingredient of any such substance, and particularly any such fractional part or ingredient as may serve to aid detection by means of chemical analysis of the presence in any article of food or drink or any medicines of a methylating substance ;

“Methylated” means mixed with any prescribed methylating substance in the prescribed quantity, and in the prescribed manner ;

“Methylated Spirits” means any spirits, whether imported or made in Australia, which have been methylated either before or after the commencement of this Act, and whether the methylating substance ~~or any part~~ or any fractional part or ingredient thereof has afterwards been removed from the spirit or not, and includes all spirit, whether imported or made in Australia, which has been entered for home consumption as methylated spirit ;

“Illicit Methylated Spirits” means methylated spirits from which any methylating substance has been abstracted, or which has been refined, distilled, treated or dealt with in contravention of this Act or the regulations, and subject to this Act, includes any methylated spirits (not subject to the control of the Customs) which are in any respect below the standards prescribed for industrial spirits or mineralized spirits ;

“Officer” means an officer of Customs ;

“Scents” includes all liquid preparations of perfumery and liquid preparations for toilet purposes ;

“Pure Australian Standard Brandy” means brandy which complies with the following requisites :—

(a) It must have been distilled wholly from ~~grape wine,~~ wine the fermented juice of fresh grapes by a pot still or similar process at a strength not exceeding forty per cent. over proof ;

(b) It must have been matured, while subject to the control of the Customs, by storage in wood for a period of not less than two years ; and

- (c) It must have been certified by an officer to be pure brandy containing all the essential elements of brandy ;

“ Australian Blended Brandy ” means brandy which complies with the following requisites :—

- (a) It must have been distilled wholly from grape wine, and must contain not less than twenty-five per cent. of pure grape wine spirit which has been separately distilled by a pot still or similar process at a strength not exceeding forty per cent. over proof ;
- (a) It must have been distilled wholly from wine the fermented juice of fresh grapes, and must contain not less than twenty-five per cent. of pure wine spirit which has been separately distilled from the fermented juice of fresh grapes by a pot still or similar process at a strength not exceeding forty per cent. over proof ;
- (b) It must have been matured, while subject to the control of the Customs, by storage in wood for a period not less than two years ; and
- (c) It must have been certified by an officer to be brandy blended and matured in accordance with this definition ;

“ Australian Standard Malt Whisky ” means whisky which complies with the following requisites :—

- (a) It must have been distilled wholly from barley malt by a pot still or similar process at a strength not exceeding forty-five per cent. over proof ;
- (b) It must have been matured, while subject to the control of the Customs, by storage in wood for a period of not less than two years ; and
- (c) It must have been certified by an officer to be pure whisky containing all the essential elements of pure malt whisky ;

“ Australian Blended Whisky ” means whisky which complies with the following requisites :—

- (a) It must have been distilled partly from barley malt and partly from grain, and must consist of not less than twenty-five per cent. of pure malt whisky which has been separately distilled by a pot still or similar process at a strength not exceeding forty-five per cent. over proof ;

- (b) It must have been matured, while subject to the control of the Customs, by storage in wood for at least two years ; and
- (c) It must have been certified by an officer to be whisky blended and matured in accordance with this definition ;

“ Australian Standard Rum ” means rum which complies with the following requisites :—

- (a) It must have been distilled wholly from sugar, sugar syrup, molasses, or the refuse of sugar cane, by a pot still or similar process at a strength not exceeding forty-five per cent. over proof ;
- (b) It must have been matured, while subject to the control of the Customs, by storage in wood for a period of not less than two years ; and
- (c) It must have been certified by an officer to be pure rum containing all the essential elements of rum.

PENALTY FOR DESCRIBING SPIRITS CONTRARY TO ACT.

Section 9 of the Principal Act, as proposed to be amended by Clause 3 of the Bill, will read as follows :—

9. In relation to trade and commerce with other countries and among the States, no person shall—

- (a) describe any spirits as “ Pure Australian Standard Brandy ” or “ Australian Blended Brandy ” or “ Australian Standard Malt Whisky ” or “ Australian Blended Whisky ” or “ Australian Standard Rum,” unless the spirits are respectively “ Pure Australian Standard Brandy ” or “ Australian Blended Brandy ” or “ Australian Standard Malt Whisky ” or “ Australian Blended Whisky ” or “ Australian Standard Rum ” as defined by this Act ; or
- (b) describe as brandy any spirit not distilled wholly from ~~grape wine~~ **wine the fermented juice of fresh grapes.**

Penalty : Fifty pounds.

PENALTY FOR REFINING, ETC., METHYLATED SPIRITS.

Section 15 of the Principal Act, as proposed to be amended by Clause 4 of the Bill, will read as follows :—

15.—(1) A person shall not—

- (a) abstract any methylating substance **or any fractional part or ingredient thereof** from any methylated spirits ; or
- (b) except as allowed by the regulations, refine or distil any methylated spirits ; or

(c) treat, deal with or use any methylated spirits or spirits containing any fractional part or ingredient of a methylating substance in contravention of this Act or the regulations.

Penalty : Five hundred pounds.

(2.) It shall not be a defence to any prosecution under sub-section (1.) of this section that the offence took place prior to the amendment of this Act.

PENALTY FOR SELLING, ETC., ILLICIT METHYLATED SPIRITS.

Section 16 of the Principal Act, as proposed to be amended by clause 5 of the Bill, will read as follows :—

16. A person shall not—

- (a) sell or have in his possession any illicit methylated spirits ; or
- (b) after the first day of January, One thousand nine hundred and seven sell or have in his possession any article of food or drink, or any scent essence tincture or medicine, containing any methylated spirits or methylating substance or any fractional part or ingredient thereof.

It shall be a defence to a prosecution under sub-section (b) of this section if the defendant proves that he did not knowingly sell or have in his possession the goods forming the subject of the prosecution.

Penalty : One hundred pounds.

FORFEITURE OF ILLICIT METHYLATED SPIRITS.

Section 17 of the Principal Act, as proposed to be amended by clause 6 of the Bill, will read as follows :—

17. All illicit methylated spirits or methylating substance or any fractional part or ingredient thereof, and all articles of food or drink scents essences tinctures and medicines containing methylated spirits, shall be forfeited to the King.

SPIRITS, ETC., CONTAINING METHYLATING SUBSTANCES.

Section 18 of the Principal Act, as proposed to be amended by clause 7 of the Bill, will read as follows :—

18. Any spirits containing any methylating substance or any fractional part or ingredient thereof, and any articles of food or drink scents essences tinctures or medicines (other than veterinary medicines and liniments as prescribed under by-law), containing spirits and any methylating substance or any fractional part or ingredient thereof, shall, until the contrary is proved, be deemed to be methylated spirits or to contain methylated spirits as the case requires.



THIS Bill originated in the House of Representatives ; and, having this day passed, is now ready for presentation to the Senate for its concurrence.

WALTER A. GALE,
Clerk of the House of Representatives.

House of Representatives,
Melbourne, 28th November, 1918.

A BILL

FOR

AN ACT

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citation.
- 5 (2.) The *Spirits Act* 1906-1915 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Spirits Act* 1906-1918.
2. Section three of the Principal Act is amended— Definitions.
- 10 (a) by omitting from the definition of " Medicines " the words " liniments and veterinary medicines " and inserting in their stead the words " such veterinary medicines and such liniments as may from time to time be prescribed under Departmental By-laws " ;
- 15 (b) by omitting the definition of " Methylating substance " and inserting in its stead the following definition :—
- 20 " ' Methylating substance ' means any substance required by any regulation to be mixed with spirits in order to make methylated spirits, and includes any fractional part or ingredient of any such substance, and particularly any such fractional part or ingredient as may serve to aid detection by means of chemical analysis of the presence in any article of food or drink or any
- 25 medicines of a methylating substance. " ;
- [C.93]—150/28.9.1918.—F.13626. (c) by

- (c) by omitting from the definition of "Methylated Spirits" the words "or any part" and inserting in their stead the words "or any fractional part or ingredient";
- (d) by omitting from the definition of "Pure Australian Standard Brandy" the words "grape wine" and inserting in their stead the words "wine the fermented juice of fresh grapes"; and 5
- (e) by omitting paragraph (a) from the definition of "Australian Blended Brandy" and inserting in its stead the following paragraph:— 10
 "(a) It must have been distilled wholly from wine the fermented juice of fresh grapes, and must contain not less than twenty-five per cent. of pure wine spirit which has been separately distilled from the fermented juice of fresh grapes by a pot still or similar process at a strength not exceeding forty per cent. over proof;" 15
3. Section nine of the Principal Act is amended by omitting from paragraph (b) the words "grape wine" and inserting in their stead the words "wine the fermented juice of fresh grapes". 20
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- (a) by inserting in paragraph (a), after the words "methylating substance" the words "or any fractional part or ingredient thereof";
- (b) by inserting in paragraph (c), after the words "methylated spirits" the words "or spirits containing any fractional part or ingredient of a methylating substance"; and 25
- (c) by adding at the end thereof the following sub-section:—
 "(2.) It shall not be a defence to any prosecution under sub-section (1) of this section that the offence took place prior to the amendment of this Act." 30
5. Section sixteen of the Principal Act is amended by omitting from paragraph (b) the words "after the first day of January, One thousand nine hundred and seven," and by adding at the end of that paragraph the words "or methylating substance or any fractional part or ingredient thereof". 35
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7. Section eighteen of the Principal Act is amended—
- (a) by inserting after the words "methylating substance" (wherever occurring) the words "or any fractional part or ingredient thereof"; and
- (b) by inserting after the words "tinctures or medicines" the words "(other than veterinary medicines and liniments as prescribed under by-law)". 45

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SPIRITS BILL 1918.

*(Amendment to be moved by the Acting Minister for Trade and Customs,
the Hon. W. Massy Greene.)*

Page 1, clause 2, line 13, omit "of the British Pharmacopœia."

