

DAIRY INDUSTRY (AMENDMENT) ACT.

Act No. 16, 1950.

An Act to amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith. [Assented to, 9th May, 1950.] George VI,
No. 16, 1950.

BE 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. (1) This Act may be cited as the “Dairy Industry (Amendment) Act, 1950.” Short title,
commence-
ment and
citation.

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

2. The Dairy Industry Act, 1915-1940, is amended— Amendment
of Act No.
45, 1915.

(a) by inserting in subsection one of section two in the definition of “Dairy produce” after the words “condensed milk” the words “concentrated milk, malted milk, or any other prescribed product of milk”; Sec. 2.
(Defini-
tions.)

(b) by omitting from the same subsection the definition of “Dairy produce factory” and by inserting in lieu thereof the following definition:

“Dairy produce factory” means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk

or

Dairy Industry (Amendment) Act.**No. 16, 1950.**

or cream is tested, graded, pasteurised or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;

- (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese, dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."

Further amendment of Act No. 45, 1915. Sec. 3 (Registration of premises.)

3. (1) The Dairy Industry Act, 1915-1940, is further amended—

- (a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";
- (ii) by omitting from the same section the words "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for six months after such commencement" and by inserting in lieu thereof the following words:—

"Provided that premises which immediately prior to the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect were not dairy produce factories or stores but became dairy produce factories or stores upon such commencement or date, as the case may be, may continue to be so used without registration for three months after such commencement or date, as the case may be";

Sec. 4. (Penalties.)

- (b) (i) by inserting in section four after the words "under this Act" the words "as a dairy produce factory or store, as the case may require"

(ii)

- (ii) by omitting from the same section the words "twenty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (iii) by omitting from the same section the words "two pounds" and by inserting in lieu thereof the words "twenty pounds";
- (c) (i) by omitting from subsection two of section five the words and symbols "section 5B of";
- (ii) by inserting in the same subsection after the word "registered" the words "in the name of the applicant";
- (iii) by inserting at the end of the same subsection the following words:—
- "Any person in whose name premises are registered who desires to transfer the registration thereof into the name of another person shall give written notification thereof to the Under Secretary and Director of the Department of Agriculture. Such notification shall state the name and address of the proposed transferee and be accompanied by the certificate of registration. On receipt of such notification a fresh certificate of registration shall be sent to the transferee. Such certificate shall have the like force and effect as if sent to an applicant as aforesaid."
- (d) by omitting paragraph (b) of subsection four of section 5A and by inserting in lieu thereof the following paragraph:—
- (b) the purposes for which the premises are to be used;
- (e) (i) by inserting at the end of paragraph (a) of subsection two of section 5B the words "and such premises have not at any time prior to such application been registered as a dairy produce factory";
- (ii) by inserting at the end of the same subsection the following paragraph:—
- (c) an application for the registration as a dairy produce factory of premises to which the proviso to section

No. 16, 1950.

Sec. 5.
(Application for registration.)

Sec. 5A.
(Dairy Produce Factories Advisory Committee.)

Sec. 5B.
(Power of Minister to refuse registration in certain cases.)

section

No. 16, 1950.

section three of this Act applies or of premises in the course of construction at the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect which if they had been constructed at such commencement or date, as the case may be, would have been premises to which such proviso applies.

New secs.
5c, 5d.

(f) by inserting next after section 5B the following new sections:—

Endorse-
ments upon
certificates
of registra-
tion as to
purposes
for which
factory is
used.

5c. (1) Every certificate of registration of premises as a dairy produce factory issued after the commencement of the Dairy Industry (Amendment) Act, 1950, shall bear an endorsement as to the purposes for which such premises may be used.

(2) The holder of any certificate of registration issued in respect of any dairy produce factory registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory as to the purposes for which such factory may be used. The purposes so endorsed shall be those for which the premises were used upon the first day of March, one thousand nine hundred and fifty.

Any person who fails to make application as hereinbefore provided and who uses any premises after the expiration of such period of three months as a dairy produce factory shall be deemed to be using premises not duly registered under this Act.

(3) An application may be made for the variation of the purposes for which premises registered as a dairy produce factory may be used

used and any such application shall be deemed to be an application for the registration of the premises as a dairy produce factory for use for such purposes. If in consequence of an application under this subsection the registration of premises is varied as to the purposes for which they may be used, the certificate of registration shall be endorsed accordingly. No. 16, 1950.

(4) Any person who uses any premises as a dairy produce factory in respect of which a certificate of registration bearing an endorsement as aforesaid is in force for any purposes other than those specified in the endorsement shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds and in addition to a penalty not exceeding twenty pounds for every day during which the offence shall be continued.

5D. The holder of any certificate of registration issued in respect of any dairy produce factory or store registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory or store of the name of the person using such factory or store. Endorsement as to name of person using factory or store.

Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

(g) by omitting section six and by inserting in lieu thereof the following section:— Subst. sec. 6.

6. (1) Where any premises registered as a dairy produce factory have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and where any registered store has ceased to be used as such the person in whose name such premises are then registered shall forthwith furnish a written notification to that Cancellation of registration of factories and stores.

No. 16. 1950.

that effect to the Under Secretary and Director of the Department of Agriculture whereupon the registration of such premises shall be cancelled.

(2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

(a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

(b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

Sec. 10.
(Inspector
may order
remedial
measures.)

(h) (i) by omitting paragraph (c) of section ten and by inserting in lieu thereof the following paragraphs:—

(c) that any dairy produce factory is unfit for use for any purpose specified in the endorsement upon the certificate of registration issued in respect thereof; or

(d) that any store or any ship or vehicle used for the storage or carriage of dairy produce is unfit for such purpose;

(ii)

(ii) by omitting paragraph (iii) of the same section and by inserting in lieu thereof the following paragraphs:—

No. 16, 1950.

(iii) such dairy produce factory to be made fit for use for such purpose to his satisfaction, or

(iv) such store, ship or vehicle to be made fit for such purposes to his satisfaction.

(2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall in its application to premises registered at the commencement of this Act commence upon the expiration of a period of six months after such commencement.

(b) The amendments made by paragraphs (g) and (h) of subsection one of this section shall commence upon the expiration of a period of six months after the commencement of this Act.

4. The Dairy Industry Act, 1915-1940, is further amended—

Further amendment of Act No. 45, 1915.

(a) by inserting at the end of section eleven the following words:—

Sec. 11.
(Payment for cream.)

Regulations may be made under this Act prescribing margins of difference in the rates of payment for cream of different grades.

(b) by inserting next after section thirteen the following new section:—

New sec. 13A.

13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall according to the grade thereof be paid for—

Grading and basis for payment of milk supplied to factories.

(a) in any case where the milk is to be used wholly for the manufacture of cheese on the amount of cheese obtainable from such milk estimated in the prescribed

No. 16, 1950.

prescribed manner or on the basis of the butter fat results estimated in the prescribed manner;

- (b) in any other case on the basis of the butter fat results estimated in the prescribed manner.

Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

(2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not blend or mix or cause to be blended or mixed dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

Sec. 14.
(Who may
test or
grade.)

- (c) by inserting at the end of section fourteen the following new subsection:—

(2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

Sec. 25.
(Regula-
tions.)

- (d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk";

(ii)

- (ii) by inserting in paragraph (e) of the same ^{No. 16, 1950.} subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- (iii) by inserting next after the same paragraph the following new paragraph:—
- (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."
-