

**DAIRY INDUSTRY AUTHORITY (AMENDMENT)
ACT.**

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 61, 1973.

An Act to abolish any right to further payments for certain milk delivered to the Milk Board constituted under the Milk Act, 1931; to make further provisions with respect to the acceptance of milk by the Dairy Industry Authority of New South Wales and membership of the Dairy Industry Artificial Breeding Advisory Board; for these purposes to amend the Dairy Industry Authority Act, 1970; and for purposes connected therewith. [Assented to, 15th October, 1973.]

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Dairy Industry Authority (Amendment).

No. 61, 1973

BE it 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 assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Dairy Industry Authority (Amendment) Act, 1973".

Abolition of right to further payment for certain milk delivered to the Milk Board.

2. (1) In this section—

"appointed day" means the day appointed under section 1 (2) of the Dairy Industry Authority Act, 1970;

"Authority" means the Dairy Industry Authority of New South Wales constituted under the Dairy Industry Authority Act, 1970;

"Board" means the Milk Board constituted by the Milk Act, 1931.

(2) Notwithstanding any law to the contrary, a person shall not be, and shall be deemed never to have been, entitled to, or entitled to claim or receive from, or to be paid by, the Board, the Authority, the Crown or any Minister of the Crown, or the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, any amount for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day.

(3) Without limiting the operation of subsection (2), that subsection has effect in respect of any amount claimed by any person, in proceedings commenced before or after the commencement of this Act (including any proceedings commenced before the commencement of this Act and pending and not completed at that commencement), for or in respect of milk vested in, delivered to or accepted by the Board before

the

Dairy Industry Authority (Amendment).

the appointed day and so has effect whether or not a determination or certificate under section 28A of the Milk Act, 1931, has, at any time, been made or issued in respect of milk vested in the Board before the appointed day or delivered by that person to the Board before that day or accepted by the Board from that person before that day. No. 61, 1973

(4) Subsections (2) and (3) do not have effect so as to entitle the Authority to recover from any person any amount that, before the commencement of this Act, has been paid by the Board or the Authority in respect of any milk vested in, delivered to or accepted by the Board before the appointed day.

(5) Subsection (2) does not apply to any amount that, before the commencement of this Act, the Board or the Authority became liable to pay—

- (a) under a final judgment given by any court; or
- (b) pursuant to an agreement made in settlement of any proceedings against the Board or the Authority.

(6) Where any proceedings referred to in subsection (3) have been instituted before the commencement of this Act, the court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only, in the case of any proceedings commenced before the commencement of this Act the hearing of which has commenced before that commencement, to the determination of any question arising as to costs.

3. The Dairy Industry Authority Act, 1970, is amended— Amendment
of Act No.
29, 1970.

- (a) (i) by omitting section 26 (1) and (2) and by inserting instead the following subsections :— Sec. 26.
(Determina-
tion of
quantity
of milk
accepted
by the
Authority.)

(1) For the purposes of this Act, and of any regulation or order made, or notice, certificate or other document issued, thereunder, milk

Dairy Industry Authority (Amendment).

No. 61, 1973

milk shall be deemed not to have been accepted by the Authority except to the extent specified in a determination made under subsection (2).

- (2) For the purposes of subsection (1)—
- (a) the quantity of milk, or the quantity of milk of any grade, class or description, that is accepted by the Authority from any person specified in the determination during any period so specified, at any time so specified or at any place so specified;
 - (b) the purpose or purposes for which a quantity or quantities of milk specified in the determination as having been accepted by the Authority is used or to be used; and
 - (c) the conditions under which any quantity of milk specified in the determination as having been accepted by the Authority was thereafter collected, treated, carried, deposited, stored, distributed, delivered or supplied,

is or are, as the case may require—

- (d) such quantity or quantities, in respect of that person, period, time or place or that grade, class or description;
- (e) such purpose or purposes; or
- (f) such conditions,

as may be determined by the Authority or by any officer of the Authority authorised by it for the purposes of this subsection.

(2A)

Dairy Industry Authority (Amendment).

- (2A) Any such determination may be made **No. 61, 1973**
 at any time after the expiration of the period
 or after the time referred to in paragraph (a)
 of subsection (2), whether or not the milk in
 respect of which the determination is made is
 milk specified in the determination as having
 been accepted by the Authority before or after
 the commencement of the Dairy Industry
 Authority (Amendment) Act, 1973.
- (ii) by inserting in section 26 (3) after the word
 "Authority," where firstly occurring the words
 "the Crown, the Government of New South
 Wales or any nominal defendant appointed
 under the Claims against the Government and
 Crown Suits Act, 1912,";
- (iii) by omitting from section 26 (3) (a) the
 words ", delivered to the Authority by, and
 accepted by the Authority from," and by
 inserting instead the words "or at a specified
 time, accepted by the Authority from";
- (iv) by omitting from section 26 (3) (a) the words
 "delivered and";
- (v) by omitting from section 26 (3) (b) the words
 "was produced," and by inserting instead the
 words "accepted by the Authority was there-
 after";
- (vi) by omitting from section 26 (4) the word
 "produced,";
- (b) (i) by omitting from section 61 (2) the words **Sec. 61.**
 "seven members" and by inserting instead the **(Artificial**
 words "eight members"; **Breeding**
Advisory
Board.)
- (ii) by omitting from section 61 (2) (e) the word
 "and";

(iii)

Dairy Industry Authority (Amendment).

No. 61, 1973

- (iii) by omitting from section 61 (2) (f) the word "cattle." and by inserting instead the following words and new paragraph :—
- cattle; and
- (g) one shall be a person appointed by the Minister to represent breeders of beef cattle;
- (iv) by omitting from section 61 (3) the matter "(e) and (f)" and by inserting instead the matter "(e), (f) and (g)";
- (v) by omitting from section 61 (8) the words "paragraph (f)" and by inserting instead the words "paragraph (f) or (g)".
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