

3 GEO. VI. No. 18, 1939. *Dairy Produce Acts Amendment Act.*

3. The following paragraph is added to sections fifty-four, fifty-five, fifty-six, sixty-two, sixty-three, and sixty-nine of \**The Criminal Code*, namely:—

Amendment of ss. 54, 55, 56, 62, 63, and 69.

“The offender may be, and it is hereby declared that he always was liable to be, arrested without warrant.”

4. The following new section is inserted in \**The Criminal Code* after section six hundred and sixty-nine, namely:—

New s. 669A.

“[669A.] The Attorney-General may appeal to the Court against any sentence pronounced by the court of trial and the Court may in its discretion vary the sentence and impose such sentence as to the said Court may seem proper.”

Appeal by Attorney-General against sentence.

## DAIRY PRODUCE.

An Act to Amend “The Dairy Produce Acts, 1920 to 1938,” in certain particulars, and for other purposes.

3 GEO. VI.  
NO. 18.  
THE  
DAIRY  
PRODUCE  
ACTS  
AMENDMENT  
ACT OF  
1939.

[ASSENTED TO 21ST NOVEMBER, 1939.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as “*The Dairy Produce Acts Amendment Act of 1939*,” and shall be read as one with †“*The Dairy Produce Acts, 1920 to 1938*,” herein referred to as the Principal Act.

Short title.

The Principal Act and this Act may be collectively cited as “*The Dairy Produce Acts, 1920 to 1939*.”

Collective title.

\* 63 Vic. No. 9, Sch. I., *supra*, pages 344 *et seq.*

† 10 Geo. V. No. 15 and amending Acts, *supra*, pages 9079 *et seq.*

*Amendments of the Principal Act.*

New s. 11A.

2. The following new section 11A is inserted after section eleven of the Principal Act, namely:—

When owner  
of dairy to  
install  
steam  
steriliser.

“[11A.] Every owner of a dairy where a milking machine is installed shall install, maintain, and use an approved steam steriliser for the purpose of cleansing and sterilising such milking machine and any other utensil, apparatus, or work.

No person shall install in any dairy any steam steriliser which is not approved, and no owner of a dairy shall use any such steam steriliser.”

New s. 12C.

3. The following new section 12C is inserted after section 12B of the Principal Act, namely:—

When stud  
female stock  
to undergo  
official test.

“[12C.] (1.) The owner of any female stock which are registered in any approved herd book and which are eligible for any butter fat test qualifying female stock for entry into the advanced register of such herd book or which, having been entered in such advanced register, are eligible for any further butter fat test relating to such entries, shall, if required by the Director of Dairying, submit all or any of such stock to such official butter fat test as may be approved from time to time as the butter fat test for which such female stock are so eligible.

(2.) No head of female stock shall be withdrawn from any such official test so required without the consent of the Director of Dairying first had and obtained.

(3.) Any head of female stock which is eligible for any such test and which has submitted to and fulfilled the requirements of the official test so required in its case shall be marked by an inspector in the prescribed position with the prescribed mark.

(4.) An inspector may mark in the prescribed position with the prescribed mark the progeny of any female stock which has been duly marked by an inspector under the provisions of subsection three of this section.

(5.) Any person other than an inspector who marks any stock with any prescribed mark referred to in subsection three or subsection four of this section shall be guilty of an offence and liable to a penalty of not more than one hundred pounds, and not less than thirty pounds.”

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4. Section 12c of the Principal Act is renumbered section 12d. Section 12c renumbered.

5. Section thirteen of the Principal Act is amended as follows:— Amendment of s. 13.

(a) That part of the said section commencing with the word “Forthwith” and ending with the word “exposed” in paragraph (b) thereof is renumbered subsection one of section thirteen.

(b) The following new subsection two is inserted after that part thereof renumbered subsection one by paragraph (a) of this section, namely:—

“(2.) The Director of Dairying or any officer authorised by him may at any time require the owner of a factory where milk or cream is held for distribution by wholesale or is treated or pasteurised to supply him with information detailing the sources of the supply of any cream received or sold by him.”

(c) The last paragraph thereof is renumbered subsection three of section thirteen.

6. Section 14A of the Principal Act is repealed and the following new section 14A is inserted in lieu thereof, Repeal of and new s. 14A. namely:—

“[14A.] Every owner of a factory shall, within twenty-one days after the end of each calendar month, publish in a newspaper circulating in the area in which his factory is situated a statement, signed as hereinafter prescribed, of the rates of payment made by him for any grade or grades of the commercial butter manufactured from cream received at such factory during such calendar month, which statement shall show with respect to each grade of commercial butter included in such statement the following particulars, namely:— Statement of rates of payment for commercial butter to contain prescribed information.

- (i.) Rate of payment;
- (ii.) Total quantity manufactured during the period; and
- (iii.) Total quantity paid for during the period.

Every such statement shall be signed by the owner or, where the factory is owned by a body or association of persons, corporate or unincorporate, by the chairman of directors, managing director, or other principal officer, by whatever name called, or by the secretary.

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If any owner of a factory fails to so publish such statement for any calendar month within twenty-one days after the end of such month, or publishes any such statement which is false in a material particular, he shall be guilty of an offence and liable to a penalty of not less than fifty pounds or more than one hundred pounds :

Moreover, in the case of a body corporate, the chairman of directors, managing director, or other principal officer, by whatever named called, shall also be guilty of an offence and liable to the penalty herein prescribed."

Repeal of  
and new s.  
16.

7. Subsection three of section sixteen of the Principal Act is repealed and the following new subsection three is inserted in lieu thereof, namely :—

Notice of  
diversion of  
supply from  
factory.

"(3.) No person in whose name a dairy is registered shall divert, or allow, permit, or suffer to be diverted, the supply or portion of the supply of cream produced on such dairy unless he shall have first given to the owner of the factory from which the supply or portion of the supply of cream is being diverted twenty-eight days' notice on the form prescribed of intention to divert the supply or portion thereof as the case may be.

No person in whose name a dairy supplying milk to a cheese factory is registered shall divert, or allow, permit, or suffer to be diverted, the cream obtainable from the milk supply or any portion thereof produced on such dairy to a butter factory unless he shall have first given to the owner of the factory from which the supply or portion of the supply of milk is being diverted twenty-eight days' notice on the prescribed form of intention to so divert the supply or portion thereof, as the case may be, and the dairy premises comply with the requirements of this Act for the purpose of supplying cream.

No person in whose name a dairy is registered shall divert, or allow, permit, or suffer to be diverted, the supply or portion of the supply of the milk produced on such dairy unless he shall have first given to the owner of the factory from which the supply or portion of the supply of milk is being diverted twenty-eight days' notice on the form prescribed of intention to divert the supply or portion thereof, as the case may be :

Provided that no person shall be guilty of an offence against this subsection if he satisfies the court that the

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diversion of the supply or portion of the supply was owing to stress of weather or other circumstances beyond his control.”

8. In subsection nine of section 16B of the Principal Act the words “ who produced such cream” are repealed and the words “ in whose name the dairy on which such cream was produced is registered” are inserted in lieu of such repealed words. Amendment of s. 16B.

9. In subsection nine of section 16C of the Principal Act the words “ who produced such milk” are repealed, and the words “ in whose name the dairy on which such milk was produced is registered” are inserted in lieu of such repealed words. Amendment of s. 16C.

10. The following new section 17A is inserted after section seventeen of the Principal Act, namely:— New s. 17A.

“ [17A.] (1.) If the Director of Dairying is of opinion— Further offences respecting false grading of butter or cream.

- (i.) That any butter manufactured at a factory is not packed in accordance with its true grade ; or
- (ii.) That in manufacturing any butter at a factory the cream from which it is manufactured has not been kept apart in accordance with the grades thereof but has been blended or mixed ; or
- (iii.) That the grades of butter manufactured at a factory do not truly represent the grades of cream paid for—

the Director of Dairying may, according as the case requires, call upon the owner of such factory to satisfy the said Director that such owner has—

- (a) Packed such butter in accordance with its true grade ; or
- (b) Kept apart and not blended or mixed different grades of cream in the manufacture of such butter ; or
- (c) Paid for all or any cream supplied to such factory and used in the manufacture of such butter in accordance with its true grade.

(2.) Any owner of a factory who upon being called upon to satisfy the Director of Dairying with respect to any matter prescribed by subsection one of this section

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fails to so satisfy the Director within thirty days after he is so called upon shall be guilty of an offence and liable to a penalty of not more than one hundred pounds or less than thirty pounds.”

New s. 20B.

**11.** The following new section 20B is inserted after section 20A of the Principal Act, namely:—

When  
factory  
prohibited  
from having  
cream  
separator.

“[20B.] (1.) Except as hereinafter in this section provided, no owner of a factory shall—

- (i.) Install and/or use any cream separator or suffer or permit any cream separator to be installed and/or used in, upon, or about such factory; or
- (ii.) Take delivery of at such factory, or permit or suffer to be delivered to such factory, or keep or deposit or permit or suffer to be kept or deposited at such factory, any separated milk without the permission of the Minister first had and obtained.

Any person who contravenes or fails to comply with any provision of this subsection shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

(2.) Subsection one of this section shall not prohibit the installing and/or using in, upon, or about a cheese factory of a cream separator capable of separating not more than twenty gallons of milk per hour, nor shall the said subsection one prohibit the keeping or depositing at a cheese factory of separated milk obtained from such cream separator.”

New cl. 18A.

**12.** The following new clause 18A is inserted after clause eighteen of Schedule II. to the Principal Act, namely:—

Branding of  
stud book  
female stock.

“**18A.** Prescribing the marks with which female stock registered in any approved herd book which are eligible for any butter fat test respecting entries in the advanced register of such herd book and which have fulfilled the requirements of the official test approved in their case shall be marked and the position of such marks and also prescribing the marks with which the progeny of female stock marked as aforesaid may be marked and the position of such marks.”

Amendment  
of s. 21 of  
the Act 2  
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No. 13.

**13.** In section twenty-one of \**“The Dairy Produce Acts Amendment Act of 1938”* the words “are inserted in lieu thereof” are inserted before the words “and, moreover.”

\* 2 Geo. VI. No. 13, *supra*, page 16974.