

DAIRY PRODUCE.

8 ELIZ. II.
NO. 13.
THE DAIRY
PRODUCE
ACTS
AMENDMENT
ACT OF 1959.

An Act to Amend "The Dairy Produce Acts, 1920 to 1952," in certain particulars.

[ASSENTED TO 9TH APRIL, 1959.]

BE it enacted by the Queen'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:—

Short title.

1. (1.) This Act may be cited as "*The Dairy Produce Acts Amendment Act of 1959.*"

Principal Act.

(2.) *"*The Dairy Produce Acts, 1920 to 1952,*" are in this Act referred to as the Principal Act.

Collective title.

(3.) The Principal Act and this Act may be collectively cited as "*The Dairy Produce Acts, 1920 to 1959.*"

New s. 5A inserted.

2. The following section is inserted after section five of the Principal Act:—

Power of Minister to delegate.

"[5A.] (1.) The Minister may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by instrument in writing under his hand delegate all or any of his powers, authorities and functions under this Act as may be specified in the instrument (other than this power of delegation) so that the delegated powers, authorities and functions may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument.

Any delegation under this section may, if the Minister deems it so desirable, be made by the delegation of all or any of his powers, authorities and functions under this Act as may be specified in the instrument of delegation to the holder of an office under the Crown in right of this State, specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that

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office may exercise or, as the case may be, shall perform without further or other authority, and while he holds or occupies or performs the duties of that office, the delegated powers, authorities and functions with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument.

(2.) Where, by or under this Act, the exercise of a power, authority or function of the Minister is dependent upon the opinion, belief or state of mind of the Minister, in relation to any matter, that power, authority or function may be exercised upon the opinion, belief or state of mind of the person to whom it is delegated by an instrument of delegation under this section.

(3.) The Minister may, at his will, revoke a delegation made by him under this section.

No delegation shall prevent the exercise of any power, authority or function by the Minister.

(4.) The Minister may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as he may consider necessary or desirable.”

3. Section sixteen of the Principal Act is amended Amendment of s. 16. by repealing subsection three thereof and inserting, in lieu of that repealed subsection, the following subsection :—

“(3.) No person in whose name a dairy is registered shall divert, or suffer, permit or allow to be diverted, the whole or portion of the supply of milk or cream produced on that dairy unless he shall have first given to the owner of the factory from which the whole or portion of such supply is so diverted not less than twenty-eight days’ notice in writing, and in the prescribed form, of intention to divert the whole or portion, as the case may be, of such supply.

A person charged with an offence against this subsection shall not be convicted therefor if he satisfies the court that the diversion of supply in relation to which he is charged with that offence was caused by stress of weather or some other circumstance beyond his control.”

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Repeal of
s. 16D.

4. Section 16D of the Principal Act is repealed.

Repeal of
and new
s. 20B.

5. Section 20B of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Separated
milk in
factories
and depots.

“ [20B.] (1.) (a) The Minister may permit any owner of a factory or depot to instal and use therein, in a position specified by him, a cream separator.

(b) The Minister may permit any owner of a factory or depot to take delivery of and keep or deposit at that factory any separated milk.

(c) A permit under this section shall be in writing.

A permit under paragraph (a) of this subsection shall specify the position in the factory or depot concerned where the owner is thereby permitted to instal and use a cream separator.

A permit under paragraph (b) of this subsection may be granted in respect of a specified maximum quantity of separated milk.

(d) The Minister may, by notice in writing, cancel any permit granted by him under this section or from time to time suspend any such permit for the period of time specified by him in the notice.

Such a suspension shall, in respect of the period for which it is in force, have the same effect as a cancellation of the permit concerned.

(2.) The Minister may direct in writing the owner of a factory or depot to keep such records as the Minister specifies in the direction of the quantities of milk which are separated at the factory or depot, and of the quantities of separated milk which are delivered to or kept at the factory or depot, and of the purposes for which all such quantities are used.

(3.) An owner of a factory or depot—

(a) Shall not, without the permission in writing of the Minister, instal or use in, upon or about that factory or depot a cream separator ;

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- (b) Who is permitted in writing by the Minister to instal and use a cream separator in that factory or depot, shall not instal or use a cream separator in any position in, upon or about that factory or depot save the position specified in such permit ;
- (c) Shall not, without the permission in writing of the Minister, take delivery of, deposit or keep at, or permit or suffer to be delivered to, or deposited or kept at that factory or depot any separated milk ;
- (d) Who is directed in writing by the Minister to keep any record specified in subsection two of this section, shall not fail to keep that record in compliance in every respect with such direction or, when thereunto requested by an inspector, to produce it for inspection by the inspector or to allow the inspector to make and retain a copy thereof or extract therefrom.

Penalty : Fifty pounds.

(4.) An owner of a factory or depot—

- (a) Shall not remove, or permit or suffer to be removed, any of the butter fat from ; or
- (b) Add or permit or suffer to be added separated milk to,

milk which is intended for sale as milk or pasteurised milk.

Penalty : Minimum, one hundred pounds, maximum, two hundred and fifty pounds.”

6. Section 27A of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Repeal of
and new
s. 27A.

“ [27A.] (1.) A person shall not—

- (a) Commence or continue to erect as a factory for the manufacture of butter or cheese any building, structure or other place ; or
- (b) Utilise as such a factory any building, structure or other place which was not being so used immediately prior to the enactment of this section,

Restriction
on new
butter and
cheese
factories.

without the prior consent of the Governor in Council.

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- (2.) A person shall not—
 (a) Commence to instal; or
 (b) Utilise,

in or on any factory for the manufacture of butter or cheese any plant, machinery or equipment the cost whereof exceeds one thousand pounds, without the prior consent in writing of the Minister.

(3.) Any person who contravenes any provision of this section shall be guilty of an offence against this Act and liable—

- (a) In the case of a body corporate, to a penalty not exceeding five hundred pounds and additionally to a daily penalty not exceeding ten pounds for each and every day during which the offence is continued after conviction therefor; and
 (b) In any other case, to a penalty not exceeding one hundred pounds or imprisonment for not longer than six months.

(4.) This section does not apply to the manufacture of butter or cheese on any dairy where such butter or cheese is solely the produce of milk produced on such dairy and the Minister has approved in writing of the utilisation for manufacturing the same of the building and equipment on such dairy used for that purpose.

The Minister may at any time by notice in writing cancel any approval to which this subsection applies.”

Repeal of
 sections
 27B, 27C
 and 27D.

7. Sections 27B, 27C and 27D of the Principal Act are repealed.
