

10 GEO. V. No. 15, 1920. *Dairy Produce Act.*

				Sums not exceeding
				£ s. d.
<i>Carried forward</i>	...	...	...	£14,287 4 6
DEPARTMENT OF MINES.				
For State Coal Mines	...	...	...	4,501 4 8
For State Iron and Steel Works	...	...	...	4,491 14 1
In Aid of Mining	...	...	...	10,000 0 0
RAILWAYS.				
For Southern Division	...	...	...	118,659 16 5
For Central Division	...	...	...	90,810 10 0
For Northern Division	...	...	...	304,773 9 8
TOTAL SUPPLEMENTARY CHARGES UPON MONEYS TO THE CREDIT OF THE LOAN FUND ACCOUNT				£547,523 19 4

CO-OPERATIVE AGRICULTURAL PRODUCTION.

See AGRICULTURE.

CROWN LAND.

See LAND, CROWN.

DAIRY PRODUCE.

An Act to Regulate Dairy Produce, and for other incidental purposes.

10 Geo. V.
No. 15.
THE DAIRY
PRODUCE ACT
OF 1920.

[ASSENTED TO 10TH FEBRUARY, 1920.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Dairy Produce Act*" Short title.
of 1920."

2. *"*The Dairy Produce Acts, 1904 to 1911,*" are Repeal.
repealed:

* 4 Edw. VII. No. 18 and amending Acts, *supra*, pages 559 and 5122.

Provided that, without limiting the operation of **"The Acts Shortening Acts"*—

- (a) All orders and notifications made and published all appointments made all regulations and forms made and promulgated all districts constituted and all things done or purporting to be done under the said repealed Acts and generally all acts of authority originated under the said repealed Acts and in force or subsisting at the passing of this Act, shall continue in full force and effect, and shall, so far as is consistent with this Act, be deemed to have been made, published, promulgated, constituted, done, and originated under and for the purposes of this Act ;
- (b) All matters and proceedings commenced under the said repealed Acts, and pending or in progress at the passing of this Act, may be continued, completed, and enforced under this Act.

Interpreta-
tion.
4 Edw. VII.
No. 18, s. 2.

3. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—

Approved.

“Approved”—Approved under this Act, or by the Minister, or by a State officer deputed by him either generally or for any particular purpose ;

Butter-fat.

“Butter-fat”—The pure fat of milk ;

Cheese.

“Cheese”—The solid product obtained by coagulating the caseinogen of milk by means of approved rennets, pepsins, or acids, with or without the addition of ripening ferments or approved seasoning ingredients ;

Cold store.

“Cold store”—Premises approved as a cold store for the examination, grading, marking, weighing, storage, and delivery of dairy produce ;

Condensed milk.

“Condensed milk”—Milk condensed or concentrated by any method whatsoever ;

Conveyance.

“Conveyance” includes every description of car, cart, carriage, conveyance, wagon, truck, railway or tramway vehicle, or other vehicle, also any vessel ;

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- “Cream”—The product of whole milk obtained ^{Cream.} by centrifugal separation or other method ;
- “Dairy” includes land, premises, and buildings ^{Dairy.} used in connection with the production of milk or cream ;
- “Dairy-house”—Any room or place used in a ^{Dairy-house.} dairy as a separator-room, milk-room, or room for the storage of dairy produce or dairy utensils ;
- “Dairy produce”—Milk, cream, butter, cheese, ^{Dairy} condensed milk, dried milk in any form, and ^{produce.} any other product of milk or cream ;
- “Dairy produce premises”—A cold store, dairy, ^{Dairy} depôt, factory, milkshop, and any place where ^{produce} dairy produce is deposited, treated, dealt with, ^{Premises.} or sold ;
- “Depôt”—Any building, structure, place where ^{Depôt.} milk or cream is deposited for the purpose of weighing, sampling, testing, or grading, pending consignment ;
- “Disease”—Any disease in human beings or stock ^{Disease.} mentioned in the First Schedule to this Act, Sch. I. and any disease of an infectious or contagious nature likely to contaminate dairy produce which the Governor in Council may by Order in Council bring under this Act ;
- “Expert”—A State officer appointed as an expert ^{Expert.} under this Act ;
- “Factory”—Any building, structure, or place ^{Factory.} where butter, cheese, condensed milk, dried milk, or other product of milk is prepared or manufactured ;
- “Grading” (with its derivatives)—The classification ^{Grading.} of dairy produce according to quality ;
- “Health Acts”—*“*The Health Act Amendment Act* ^{Health Acts.} *of 1886*” and “*The Health Acts, 1900 to 1917,*” and any Act amending or in substitution for those Acts or any of them ;
- “Inspector”—An inspector appointed under this ^{Inspector.} Act ;

* 50 Vic. No. 21, *supra*, page 885, and 64 Vic. No. 9 and amending Acts, *supra*, page 7735.

Mark.	“Mark” includes any brand, stamp, or classification mark ;
Milking shed.	“Milking shed”—An approved structure wherein cows are gathered for the purpose of milking ;
Milkshop.	“Milkshop”—Any building, structure, or place or any stall or conveyance in which milk is sold by retail ;
Minister.	“Minister”—The Secretary for Agriculture and Stock or other Minister of the Crown charged for the time being with the administration of this Act ;
Owner.	“Owner”—The owner, whether jointly or severally : the term includes the owner’s agent or manager ; and in the case of a company, the manager, secretary, or other principal officer thereof : so far as relates to any premises whatsoever, the term includes the person having the charge, management, or control of the same ;
Package.	“Package” includes cask, keg, crate, can, box, case, wrapper, tin, and every other receptacle, container, or covering ;
Prescribed.	“Prescribed”—Prescribed by this Act ;
Pure milk.	“Pure milk”—The whole of the milk, including the strippings, drawn at the time of milking : the term does not include milk which contains less than the prescribed percentage of butter-fat or less than the prescribed percentage of solids other than butter-fat, or is mixed with any preservative or chemical or foreign matter of any kind whatsoever ;
Registered.	“Registered”—Registered under this Act ;
Regulations.	“Regulations”—Regulations made under this Act ;
Sale.	“Sale” (with its derivatives) includes barter and exchange and supply for profit, and also offering or attempting to sell or receiving for sale or having in possession for sale or exposing for sale or sending forwarding or delivering for sale or causing or suffering or allowing to be sold offered or exposed for sale, and refers only to selling for the food of man ;
Separated milk.	“Separated milk”—Milk of whole milk after the cream has been separated, and to which nothing has been added ;

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- “Stock”—Stock within the meaning of the laws relating to diseases in stock ;
- “This Act”—This Act and any Orders in Council and regulations made thereunder ;
- “Under Secretary”—The Under Secretary of the Department of Agriculture and Stock, Brisbane ;
- “Vessel” includes a ship and boat and every kind of vessel used in navigation.

4. (1.) This Act shall be in force in such districts as the Governor in Council shall from time to time declare by Order in Council.

Application
of Act.
4 Edw. VII.
No. 18, s. 3.

With respect to every such district the provisions of the Health Acts and any regulations or by-laws made thereunder relating to dairy produce premises shall be suspended.

(2.) Provided that—

- (i.) This Act shall not be applicable to any case where dairy produce is intended for the use of any owner for consumption on his premises, and is not distributed or sold ;
- (ii.) This Act shall not be taken to repeal or limit the operation of the provisions of any Act with respect to the sale of food in a pure and sound state.

5. (1.) The Governor in Council may from time to time appoint such inspectors, experts, and other officers as may be necessary for the effectual execution of this Act.

Inspectors,
experts, &c.
Ib. s. 4.

(2.) No inspector, expert, or officer shall, by himself or his partners, have any interest directly or indirectly in any dairy produce premises, or in any trade or business connected therewith. Every inspector, expert, or officer who violates this provision shall be dismissed by the Minister, and shall be disqualified for reappointment.

(3.) Every inspector under this Act shall, for the purposes of this Act, have all the powers and functions of an inspector under the Health Acts.

6. (1.) All dairy produce premises shall be registered under this Act.

Registration
of premises.
Ib. s. 5.

(2.) Subject to this Act—

- (a) A registration of a dairy, when granted, shall remain in force without limit of time ;

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(b) In all other cases, a registration when first granted shall remain in force until the thirty-first day of December next ensuing, and shall be renewed on or before the first day of January in each year.

(3.) The annual fee payable for registration shall be in accordance with the following scale:—

	£	s.	d.
Cold store	1	0	0
Depôt	0	5	0
Factory	1	0	0

In the case of a dairy or milkshop no fee shall be payable.

(4.) In all cases application for registration, and in all cases (except dairies) application for renewal of registration, shall be made by the owner in the prescribed manner accompanied by the prescribed fee (where a fee is payable).

(5.) Any person who uses any premises as dairy produce premises, unless or until the same is registered under this Act, shall be liable to a penalty not exceeding five pounds.

(6.) No dairy produce premises shall continue to be registered unless all the requirements of this Act relating to the premises are satisfactorily complied with and observed.

(7.) When any person ceases to use any registered premises as a dairy produce premises he shall so notify in writing to the Under Secretary in the manner prescribed, and thereupon the registration of such premises shall be cancelled. If such person fails to so notify he shall be liable to a penalty not exceeding one pound.

Inspector to have powers with respect to diseased stock.
4 Edw. VII.
No. 18, s. 6.

7. With respect to stock on any dairy, every inspector for the purposes of this Act shall have and may exercise all or any of the powers of and shall be deemed to be an inspector appointed under the laws in force for the time being relating to diseases in stock, and the provisions of those laws shall apply accordingly.

Inspection of premises, &c.
Ib. s. 7.

8. (1.) Subject to this Act, an inspector may at any reasonable time—

(i.) Enter and inspect any dairy produce premises or conveyance, or any shop, store, premises, or place where stock are depasturing or where

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dairy produce or any ingredients or materials used in the preparation manufacture or packing of the same may be stored or for sale, and all dairy produce and ingredients and materials, and all stock and all utensils, machinery, apparatus, and works thereat or therein and any water supplied to stock or used in connection with dairy produce; and if he thinks fit take samples of dairy produce or any such ingredients materials or water;

- (ii.) Enter and inspect any cooling chamber or conveyance used for the storage or carriage of dairy produce;
- (iii.) Open or order to be opened any package which contains, or is suspected to contain, dairy produce, or any ingredients used in the preparation or manufacture of the same, for the purpose of inspection or taking samples of dairy produce or ingredients or any materials.

(2.) The inspector may deliver or send any sample of dairy produce ingredient material or water to an expert for examination, and the expert shall upon receipt of the sample, with all convenient speed, examine the same, and give a certificate of the result of the examination in the prescribed form.

9. If after inspection an inspector is satisfied that—
- (i.) Any dairy is so situated that the area within the fences of the property constituting the dairy is less than one acre; or
 - (ii.) Any dairy produce premises or cooling chamber or conveyance, or any utensil machinery apparatus or work is in an unclean or unwholesome condition or is otherwise unfit or defective for the purposes of dairy produce; or
 - (iii.) Any stock at a dairy are diseased; or
 - (iv.) Any person is affected with disease so that any dairy produce is likely to be contaminated; or
 - (v.) The water used in connection with any dairy produce premises is impure or unwholesome; or
 - (vi.) Any ingredients or materials are prohibited or are otherwise unfit;

When premises unclean, &c. 4 Edw. VII. No. 18, s. 8.

he may, by order in writing under his hand addressed to

the owner of the dairy produce premises, cooling chamber, or conveyance, or his agent, or to the consignor or owner of the dairy produce ingredients or materials or his agent, as the case may be, without further name or description—

- (a) In the case of a dairy to which paragraph (i.) hereof applies, order the dairy to be closed;
- (b) Order such dairy produce premises, cooling chamber, or conveyance, and all such utensils, machinery, apparatus, or work, as the case may be, to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction;
- (c) Forbid any utensils, machinery, apparatus, or work, or any dairy produce premises, cooling chamber, or conveyance, to be used for the purposes of dairy produce, either wholly or until any defects have been remedied to his satisfaction, or for such time as he thinks necessary;
- (d) Forbid the removal from any dairy produce premises or conveyance of any dairy produce for such time as he thinks necessary or until the requirements of this Act are complied with;
- (e) With respect to stock, exercise all or any of the powers conferred upon him;
- (f) Order any person or employee engaged in the working of any dairy produce premises or conveyance to obtain forthwith and deliver to an inspector a certificate from a legally qualified medical practitioner that such person or employee is free from disease;
- (g) Order the removal or isolation of any person affected with disease of an infectious or contagious nature likely to contaminate dairy produce: Provided that the inspector shall first obtain the certificate of the health officer of the district in which the premises are situated, or of some legally qualified medical practitioner, that the disease with which such person is affected is a disease affecting human beings within the meaning of this Act;
- (h) Order the supply of water to be discontinued, and a supply of pure water to be used;

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- (i) Order the use of any ingredient or materials to be discontinued.

10. If an inspector is satisfied that—

- (i.) Any dairy produce inspected by him is unfit for the food of man ;
- (ii.) Any dairy produce is being or has been removed, sold, or delivered contrary to this Act,

Condemnation.
4 Edw. VII.
No. 18, s. 9.

he shall by order condemn the same.

All dairy produce which has been condemned shall become the property of the Crown, and shall be disposed of as the Minister directs or as may be prescribed.

11 The inspector shall as soon as may be make a report to the Minister of all orders made by him under this Act.

Inspector to report orders.
Ib. s. 10.

12. Every owner of a dairy when disease appears in any stock at the dairy, and every owner of any dairy produce premises or conveyance when any person is found thereon to be affected with disease or may reasonably be suspected to be infected with disease, shall forthwith after discovering the fact give notice thereof to the nearest inspector or to the Under Secretary.

Owner to give notice of disease.
Ib. s. 12.

The owner of the dairy shall also forthwith draft off and continue to keep separate all such diseased stock from the stock not suffering from disease, and shall not mix the dairy produce obtained from such stock with other dairy produce, or sell or use, or cause to be sold or used, the same in any way for the food of man or of any animal.

The owner of the dairy produce premises or conveyance shall also, as far as practicable, isolate and keep isolated all persons so affected with disease or reasonably suspected to be infected with disease.

13. Forthwith upon the request of an inspector, every owner of any dairy produce premises or conveyance, and every seller of dairy produce, shall—

Owner to furnish information to inspector.
Ib. s. 13.

- (a) Furnish to the inspector a list of the persons supplying dairy produce to such owner or seller ;

- (b) Give to the inspector any personal assistance and information which he is capable of giving, to aid the inspector in searching for and discovering the cause of any defect or deterioration in dairy produce, or any source of contamination infection or disease to which stock or dairy produce may be exposed.

Statistics.
4 Edw. VII.
No. 18, s. 14.

14. The owner or person in charge of a dairy produce premises shall from time to time supply to the Minister such statistics and information relating to such premises as are prescribed or as the Minister requests.

Storage.
Ib. s. 16.

15. (1.) No dairy produce intended for sale or for consumption as food for man shall be deposited or kept in any room used for domestic purposes, or in any place or conveyance which might cause such produce to be unwholesome or injurious to health or deteriorated, or in any place or conveyance where goods or materials, unclean matter, or injurious smells likely to taint such produce or contaminate it with disease are kept or permitted to be or exist.

(2.) No person shall sell any dairy produce which has been kept in contravention of this section.

Payment for
cream.

16. Cream supplied to a factory shall, according to the grade of the cream, be paid for—

- (a) On the basis of the butter-fat results, estimated in the prescribed manner; or
- (b) On the amount of butter obtainable from such cream, estimated in the prescribed manner:

Provided that where the butter obtained from the cream exceeds that estimated as aforesaid such excess of butter shall in the manner prescribed be credited to and payment therefor shall be made to the persons who supplied the cream.

Statement of
quantity and
grade of
butter
manufactured.

The manager of every factory shall every month forward to the Under Secretary, and to suppliers, a statement showing the quantity of each grade of butter manufactured in the factory, and the quantity and grade of butter which the suppliers of cream have been paid for.

Grading
cream.

17. (1.) The manager of every factory shall grade or cause to be graded all cream which is supplied to him, and in manufacturing butter therefrom shall keep apart and not blend or mix either as cream or butter the various grades thereof.

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It shall not be compulsory to grade cream in more than three qualities.

(2.) Any butter made from cream which has been graded as aforesaid shall be put up in packages bearing a registered mark representing the grade of the butter.

18. No person shall sell or supply, or permit to be used as food for man— Sale, &c., of unsound produce. 4 Edw. VII. No. 18, s. 17.

- (i.) Any dairy produce condemned by an inspector;
- (ii.) Any dairy produce which is unfit for the food of man;
- (iii.) Any abnormal milk, or any milk or the cream from any milk which has been drawn from a cow that is known or suspected by such person or by an inspector to be diseased, or that has been isolated in pursuance of this Act, or that has calved within seven clear days before the day on which the milk was drawn from her, or such longer period as may intervene before the milk becomes normal;
- (iv.) As dairy produce any product that has been procured by or with the help of any person unable or unwilling to obtain a certificate from a legally qualified medical practitioner if required by an inspector.

19 Where cream which is supplied to a factory is manifestly affected by putrefactive decomposition, the manager of the factory shall not manufacture butter from such cream or retain it on the premises. Putrescent cream.

Such cream shall be treated by adding thereto such substance as may be prescribed; such substance added shall not in any way destroy the value of such cream for animal food, and thereupon the cream may be returned to the supplier.

20. No person shall sell or supply— Standards, passing off, &c. 4 Edw. VII. No. 18, ss. 17, 17A.

- (i.) As milk anything which is not pure milk, unless—
 - (a) It is sold or supplied to a creamery or factory or person on an agreement providing for a butter-fat test; or

- (b) It is and is sold or supplied as separated milk, and such person at the time of such sale or supply states, and if required states in writing, to the person to whom such milk is sold or supplied, that such milk is separated milk;
- (ii.) Any sweetened condensed milk which contains less than the prescribed percentage of butter-fat and the prescribed percentage of solids other than butter-fat, unless it is sold or supplied as condensed separated milk, and every package containing it, whether sold or supplied wholesale or retail, is marked "condensed separated milk" as prescribed;
- (iii.) Any butter which contains less than the prescribed percentage of butter-fat or more than the prescribed percentage of water;
- (iv.) Any cheese which does not comply with the prescribed standard;
- (v.) Any cream which contains less than the prescribed percentage of butter-fat.

No owner of a factory shall knowingly buy any cream which contains less than the prescribed percentage of butter-fat.

Adultera-
tion.

4 Edw. VII.
No. 18, s. 18.

21. (1.) No person shall mix with or add to or use in the manufacture of dairy produce any extraneous ingredient of any description:

Provided that, subject to the regulations, nothing herein contained shall prevent pure sugar, common salt, or any approved coagulative or colouring ingredient or antiseptic or preservative preparation allowed by or under the Health Acts from being mixed with or added to or used in the manufacture of dairy produce.

(2.) No person shall sell or supply any dairy produce in respect of which any ingredient has been mixed, added, or used in contravention of this section.

All products
inspected to
be graded,
&c.
Ib. s. 21.

22. (1.) Dairy produce inspected and graded shall be graded according to quality, and shall be marked by the inspector, according to the classes into which it has been graded, with the prescribed marks.

(2.) The Minister may authorise the withholding or cancellation of any grade-mark or certificate of quality

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in relation to dairy produce shipped as ordinary cargo or in refrigerating chambers considered defective by an inspector.

(3.) Except as provided by this Act, no inspector's mark shall be altered or obliterated, whether the dairy produce is for sale in Australia or elsewhere.

23. Every person employed to test milk or cream, or to grade cream supplied to a factory, shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed and shall hold a certificate to that effect. Who may test or grade.

24. Dairy produce shall not be marked as inspected unless or until all the provisions of this Act have been complied with in respect to such produce and the packages in which it is contained. Grading. § Edw. VII. No. 18, s. 20.

25. (1.) Unless otherwise prescribed, there shall be affixed in approved manner to every package containing dairy produce a statement showing the net weight of the contents. Labelling, marking, &c.

(2.) It shall be unlawful to affix to any package containing dairy produce any particulars which are contrary to fact or which are or may be misleading.

(3.) The manufacturer, agent, or owner of dairy produce, as the case may be, shall deliver to an inspector in connection with each consignment of dairy produce such particulars, in prescribed form, as are deemed necessary for the proper examination and grading of the dairy produce.

(4.) All dairy produce manufactured for sale must be packed or wrapped in such manner that the registered mark of the manufacturer, agent, packer, or seller is clearly depicted on the package.

(5.) When dairy produce is repacked and placed under a registered mark other than that of the actual manufacturer, the word "repacked" must appear upon the package.

(6.) Subject to this Act, a registered factory may pack dairy produce under the registered mark of an exporter, agent, or seller, provided it is stated upon the package that such dairy produce is packed to the order of such exporter, agent, or seller.

Grading for
export.
4 Edw. VII
No. 18, s. 19.

26. (1.) It shall not be lawful to export beyond the Commonwealth any dairy produce the produce of the State, until the same has been inspected, graded, and marked under this Act.

(2.) A certificate of such grading shall be supplied to the person exporting the dairy produce and to the person who has manufactured it.

(3.) Butter shall not be so exported unless it has been kept at the prescribed temperature for the prescribed time.

(4.) Butter shall not be shipped as refrigerated cargo at a higher temperature than that prescribed.

(5.) If it is found by an inspector that the dairy produce is of a grade different from that indicated by the registered mark on the package, such inspector shall give notice to the owner that such dairy produce cannot be exported or sold under the mark indicated on the package.

Certain
fraudulent
acts.
Ib. s. 22.

27. Every person who—

- (i.) Alters or obliterates, wholly or partially, or causes to be altered or obliterated, an inspector's mark or any registered factory mark on any dairy produce which has been inspected, or on any package containing any such produce ;
- (ii.) Counterfeits any such mark, or places on any dairy produce or package any mark purporting to be the mark of an inspector or of the manufacturer or packer, either with the proper marking instruments of such inspector, manufacturer, or packer, or with counterfeit imitations ;
- (iii.) Empties or partially empties any package marked after inspection, in order to put into the same any dairy produce, of the same or any other kind, not contained therein at the time of such inspection ;
- (iv.) Uses for the purpose of packing dairy produce any old package which has previously been used, without effacing all previous marks placed thereon by an inspector ;

shall be liable to a penalty not exceeding one hundred pounds.

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28. Every person who, being in the employ of any manufacturer or packer of dairy produce—

Offences by employees.
4 Edw. VII.
No. 18, s. 23.

- (i.) Hires or lends the marks or marking instruments of his employer to any person ;
- (ii.) Connives at or is privy to any fraudulent evasion of this Act with respect to any such marks,

shall be liable to a penalty not exceeding fifty pounds.

29. Every inspector who—

- (i.) Hires out or lends his marking instruments to any person ;
- (ii.) Furnishes information for the purpose of compiling any document or gives a certificate of quality without having personally performed the necessary inspection, or wilfully supplies or causes to be supplied any false or untrue statement ;
- (iii.) Connives at or is privy to any evasion of this Act ;

Offences by inspector.
Ib. s. 24.

shall be liable to a penalty not exceeding one hundred pounds, and shall forfeit his office and be disqualified from ever after holding the same.

30. Any person who thinks himself aggrieved by any order or decision of an inspector other than an order to cleanse or to remove or isolate any person affected with disease, or a decision in respect of grading, may appeal therefrom to a police magistrate sitting in petty sessions on giving to such inspector the prescribed notice in writing of his intention so to do.

Appeal to police magistrate.
Ib. s. 11.

Such police magistrate shall hear and determine the matter of the appeal, and his decision shall be final, and shall be enforced as if it were an order made for a breach of duty, under **“The Justices Acts, 1886 to 1909.”*

The costs of and occasioned by any such appeal shall be determined by the police magistrate, who may, in his discretion, order that the same shall be paid by either party.

31 Every person who—

- (i.) Sells or prepares, manufactures, exports, or supplies any dairy produce in contravention of this Act ;

Offences.
Ib. ss. 25, 28

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

- (ii.) Resists or obstructs an inspector, expert, or officer in the course of his duty;
- (iii.) Refuses to give information or gives false information in answer to any inquiry made by an inspector, expert, or officer in the course of his duty;
- (iv.) Refuses or neglects to obey the order of an inspector;
- (v.) Refuses or neglects to give any prescribed notice;
- (vi.) By any act or omission is guilty of any contravention of this Act for which no specific penalty is provided;

shall be liable to a penalty not exceeding ten pounds.

If an owner or occupier refuses or neglects to obey the order or any part of the order of an inspector, a police magistrate sitting in petty sessions, upon the complaint of such inspector, may make an order directing the inspector to carry out the work at the expense of the owner or occupier, and the inspector shall cause the work to be carried out accordingly, and may recover from the owner or occupier the expense of doing the work, by action in any court of competent jurisdiction.

All such expenses shall also be and remain a first charge upon the dairy produce premises or dairy produce, notwithstanding any change that may take place in the ownership of them or any of them.

The remedies conferred by the foregoing provisions shall be in addition to the powers conferred upon a police magistrate under the last preceding section of this Act.

Regulations
4 Edw. VII.
No. 13, s. 26.
Sch. II.

32. The Governor in Council may from time to time make regulations with respect to all or any of the matters mentioned in the Second Schedule to this Act.

Regulations with respect to dairy produce or dairy produce premises may be made to apply to dairy produce generally, or any class or kind of dairy produce and to dairy produce premises generally, or to any class, kind, or description of dairy produce premises.

The regulations may impose a penalty not exceeding thirty pounds for any breach thereof.

All such regulations on being published in the *Gazette* shall have the force of law, and copies thereof shall be

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laid before both Houses of Parliament forthwith, if then sitting, and, if not then sitting, within fourteen days after the commencement of the next ensuing session.

If either House of Parliament passes a resolution disallowing any such regulation or amendment thereof, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation or amendment thereof has been laid before it, such regulation or amendment thereof shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime.

For the purposes of this Act, the term "sitting days" shall mean days on which the House actually sits for the despatch of business :

Provided always that if such regulations and amendments thereof, if any, are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever.

33. All proceedings in respect of penalties for offences against this Act may be heard and determined by complaint in a summary way under *"*The Justices Acts, 1886 to 1909.*" Proceedings for penalties. 4 Edw. VII. No. 18, s. 28.

34. In any legal proceeding under this Act—

- (i.) It shall not be necessary to prove the boundaries of any district or the appointment or authority of any inspector, expert, or officer acting or purporting to act in the execution of this Act; Evidence. 1b. s. 29.
- (ii.) The production of a certificate purporting to be a certificate given for any of the purposes of this Act shall be sufficient *primâ facie* evidence of the facts therein stated ;
- iii.) The onus of proof that any dairy produce was not exposed or distributed or offered for sale or was not intended for the food of man shall be upon the party charged.

35. No person who has not first obtained, in the prescribed manner, a certificate that he is able to read and write from dictation words in the English language of not less than fifty words shall be employed in or take Certain labour restricted.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

part in the working of any registered dairy produce premises, under a penalty of one pound for each such person for every day during which such person is employed in or takes part in the working of such premises.

The Governor in Council may from time to time make Regulations—

- (i.) For the examination and granting of certificates of ability to read and write from dictation words in the English language ;
- (ii.) For the exemption from the operation of this section of any persons or classes of persons whom for any reason it is not considered necessary to examine.

Weekly
half-holiday
for Sunday
duty.
4 Edw. VII.
No. 18, s. 31.

36. In this section the term "Owner," without limiting the meaning assigned to the term in the interpretation section of this Act, means every owner of any dairy produce premises, conveyance, or vessel, and every milk seller.

Notwithstanding anything contained in any other Act or award made thereunder, if any person employed by an owner is required by such owner to work on Sunday afternoon, such employee shall have a half-holiday from the hour of noon on some weekday of each week.

Any such owner who fails to give such half-holiday to such employee shall be liable to a penalty not exceeding five pounds.

Any contract or agreement between an owner and employee which, if it were valid, would have the effect of disentitling the employee to the benefit of this section shall to that extent be void and inoperative.

SCHEDULE I.

LIST OF DISEASES.

In Human Beings—

Diphtheria, Scarlet Fever, Skin Diseases, Smallpox, Tuberculosis, Typhoid Fever, Venereal Diseases, Measles, Erysipelas, or any other contagious or infectious disease, other than Influenza.

In Stock—

Abscesses, Actinomycosis, Anthrax, Contagious Abortion, Blackleg, Foot and Mouth Disease, Malignant Catarrh, Malignant Growths (Cancer), Mammitis (Udder and Teat Inflammation), Pleuro-pneumonia contagiosa, Rinderpest, Texas or Tick Fever, Tuberculosis, Variola.

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SCHEDULE II.

SUBJECT MATTER FOR REGULATIONS.

1. The powers and duties of inspectors, experts, and officers. Officers.
2. The qualifications of inspectors, experts, and officers, and requiring that before appointment they shall give by examination or otherwise satisfactory evidence of their competency. Qualifica-
tion.
3. The qualifications and examination of persons employed in the testing and grading of cream and milk at factories and creameries. Cream and
milk testers.

The conditions on which certificates of competency may be issued or revoked.

Requiring the employment of certificated persons as cream and milk testers and graders.
4. The conditions on which dairy produce premises may be registered, and the registration of the same. Registration
of premises,
&c.

Requiring that before registration dairy produce premises shall be approved by an inspector or other authorised officer.

In the case of a factory, requiring that the application for registration or renewal of registration thereof shall be accompanied by a statement showing all the marks in *facsimile* used by the factory upon each grade of dairy produce manufactured or packed therein :

Provided that in the case of any class of dairies or factories which, by reason of their situation in a town or their small output of dairy produce or other special circumstances, may be properly regulated without requiring a strict compliance with all the provisions of this Act, such conditions may be prescribed for the registration of such premises as in the opinion of the Governor in Council will sufficiently ensure the proper regulation of the same.
5. The licensing or registration of persons carrying on the manufacture or sale or packing of dairy produce. Licensing,
&c., persons.
6. The construction, drainage, ventilation, cleansing, lime-washing, and disinfection of dairy produce premises and creameries, dairy houses, milking sheds, and other rooms and places and conveyances used for or in connection with dairy produce, and of utensils, machinery, equipment, apparatus, and works thereat or therein. Construction
of premises,
&c.

The nature, design, construction, situation, and use of the buildings and structures necessary upon dairy produce premises.
7. The situation of dairy produce premises in order to prevent injury to dairy produce from piggeries, stagnant water, offensive trades, or any contaminating source. Situation of
premises.
8. Restricting the use of dairy produce premises or parts thereof solely to certain purposes. Restricting
use to
certain
purposes.
9. The construction, situation, and condition of sanitary conveniences on dairy produce premises ; prohibiting cesspools or cesspits thereupon. Sanitary
conveni-
ences.

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10 GEO. V. No. 15,

- Preventing disease. **10.** The precautions to be taken against the introduction or spread of disease on dairy produce premises or conveyances.
- Swine, &c. **11.** Prohibiting or regulating the keeping of swine upon dairy produce premises or within a certain distance therefrom or from any open water supply for such premises.
The construction and situation of pigsties and the conditions under which swine and other domestic animals are kept or enclosed on dairy produce premises.
- Fowlhouses and manure heaps. **12.** Regulating the situation of fowlhouses and manure heaps upon or near dairy produce premises.
- Drainage from stockyards, &c. **13.** Regulating the drainage from places where stock or pigs are kept in cases where any dairy produce premises or any open water supply therefor may be prejudicially affected.
- Water supply. **14.** Preventing the pollution of the water supply of dairy produce premises.
- Whey. **15.** The removal, sterilisation, and treatment of whey.
- Maturing rooms. **16.** The insulation of maturing rooms for cheese.
- Floors. **17.** Requiring certain dairy produce premises or parts thereof to have impervious watertight floors.
- Nuisances. **18.** Preventing nuisances in or near dairy produce premises.
- Diseased stock. **19.** The use, control, and treatment of diseased or suspected stock on dairy produce premises.
- Tests for disease. **20.** The application or making of any test for the detection of disease in stock.
- Compensation. **21.** The mode of determining the amount of compensation to be paid for stock destroyed.
- Containers, &c. **22.** Regulating the size, design, material, composition, and finish of milk and cream cans and any other utensil or appliance or package used in connection with dairying.
- Cold stores, conveyances, &c. **23.** The inspection of cold stores and conveyances used or intended to be used for the storage or carriage of dairy produce.
The cleansing and disinfection, and the method or means of controlling the temperature of the same.
- Aëration, &c. **24.** The neutralisation, pasteurisation, aëration, and cooling of dairy produce.
- Temperature. **25.** Prescribing the temperatures at which dairy produce shall be held in cold store or during transit and the temperature of the same at the time of loading on to a vessel.
- Preservatives, &c. **26.** The use of approved preservatives or colouring matters for dairy produce.
- Inspection of cream, &c. **27.** The inspection, at the cost of owners of factories, of cream supplied to them, and the periodical sampling and testing of such cream.
Imposing such further conditions with respect to the quality of cream so supplied as will tend to ensure the manufacture of high-grade butter.

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- 28.** The manufacture, packing, checkweighing, churn marking, vat Grading, &c. marking, date marking, examination, and grading of dairy produce.
- The description, size, and character of marks to be used or affixed by manufacturers, agents, or sellers.
- The description of the marks to be used by inspectors.
- The names or designations to be given to various grades.
- The grading of dairy produce at factories and at depôts.
- The conditions on which the testing of milk or cream may be made for the information of suppliers.
- 29.** The registration of marks used by owners or manufacturers or Marks, &c. packers or sellers of dairy produce.
- The employment of such marks by manufacturers, packers, or sellers, for the purpose of indicating the quality of dairy produce in accordance with the grade thereof.
- Requiring that packages of dairy produce sent out from any factory shall bear the proper registered mark.
- Prohibiting the use of unregistered marks in connection with dairy produce.
- Prohibiting the use of registered marks in connection with dairy produce not manufactured by the factory with respect to which such marks are registered.
- 30.** Prescribing standards of composition for dairy produce, by- Standards of products derived from the same, or substances employed composition. in the manufacture of dairy produce.
- Prescribing a minimum standard of butter-fat in cream.
- 31.** Prescribing standards for the composition of rennet and forbidding Rennet. sale of any other ingredients under that name.
- The maximum percentage of lactic acid and the maximum and Lactic acid, minimum percentage of butter-fat to be contained in any milk &c. or cream delivered at any factory or depôt for the manufacture of dairy produce.
- 32.** Requiring owners of factories to furnish to a State officer, at Cream specified intervals, lists of their cream suppliers with particulars suppliers. of the percentages of butter-fat in the various deliveries.
- 33.** Requiring the owners or managers of butter factories to compile Returns of and forward within a prescribed time, monthly, to the Under butter-fat Secretary a full and accurate statement in the prescribed form purchased, &c. and to be verified in the prescribed manner, and showing the grade and exact amount of butter-fat or commercial butter equivalent purchased or received from and credited to suppliers by each factory during the preceding month, and the grade and amount of commercial butter actually manufactured therefrom.
- Requiring a copy of such return shall be made available at each factory when required by an inspector.
- 34.** The basis of payment for milk or cream supplied to factories. Basis of payment.
- 35.** The furnishing of advice dockets to suppliers of cream by Advice dockets. managers of factories, and the form of such dockets.

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- Books to be kept.** 36. Prescribing books to be kept in any factory or depôt showing the weights and the results of tests of milk and cream received at such factory or depôt, and the weight and grade of butter or cheese actually manufactured in any such factory.
- Method of estimating.** 37. The method of estimating butter-fat results and the amount of butter obtainable from cream and the amount of cheese obtainable from milk supplied to any factory or depôt.
- Samples.** 38. The conditions upon which and manner in which samples of dairy produce or water or any ingredient or material used in the preparation or manufacture or packing of dairy produce may be taken, and the mode of dealing with the same.
- Condemned produce.** 39. The disposal of condemned dairy produce.
- Forms.** 40. The form of any notice, license, certificate, or other document under this Act; the forms of statements and advices required under this Act to be made.
- Time.** 41. The time within which any notice must be given.
- Expenses.** 42. The payment and recovery of expenses in respect of dairy produce premises, conveyances, dairy produce, and stock.
- Fees.** 43. The imposition and collection of fees for defraying the expenses of carrying this Act into effect.
The imposition and collection of fees payable by an owner, manufacturer, or agent of dairy produce for certificates given in respect of grading by points, and other matters.
- Generally.** 44. Any other matters necessary for the efficient administration of this Act.

DISCHARGED SOLDIERS' SETTLEMENT.*See LAND, CROWN.***FACTORIES AND SHOPS.***See LABOUR.***FAIR RENTS.***See LANDLORD AND TENANT.***FARMERS, ADVANCES TO.***See AGRICULTURE.*