

CONTRACTS OF SALE OF LAND.*See LAND.***COUPONS, TRADE.***See MERCANTILE.***DAIRY PRODUCE.**

24 Geo. V.
No. 14.
THE
DAIRY
PRODUCTS
STABILISA-
TION ACT
OF 1933.

An Act relating to the Stabilisation of Dairy Produce, to Provide for the Constitution of a Dairy Products Board, and for other purposes.

[ASSENTED TO 23RD NOVEMBER, 1933.]

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:—

Short title.

1. (1.) This Act may be cited as "*The Dairy Products Stabilisation Act of 1933.*"

Commence-
ment of
Act.

(2.) This Act shall come into force on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act.

Construction
of Act.

2. This Act and any Proclamations, Orders in Council, or regulations made thereunder shall be read and construed subject to the **Commonwealth of Australia Constitution Act*, and so as not to exceed the legislative power of the State, to the intent that where any enactment or provision thereof would, but for this section, have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power.

Interpreta-
tion.

3. In this Act, unless the context or subject-matter otherwise indicates or requires, the following terms have the meaning set against them respectively, that is to say:—

Board.

"Board"—The Dairy Products Stabilisation Board constituted under the authority of this Act;

* 63 and 64 Vic. c. 12, *supra*, page 4565.

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- “Dairy products” include butter and cheese and such other milk products as prescribed by Order in Council; ^{Dairy Products.}
- “Manufacturer”—A person who manufactures in the State such weight of dairy products for sale as may from time to time be prescribed by Order in Council in any period prescribed by Order in Council; ^{Manufacturer.}
- “Minister”—The Secretary for Agriculture and Stock or other Minister of the Crown for the time being administering this Act; ^{Minister.}
- “Prescribed”—Prescribed by this Act; ^{Prescribed.}
- “Public notice”—A notice published in the *Gazette* and/or such newspapers as may be prescribed; ^{Public notice.}
- “Quota”—The proportion of dairy products manufactured by a manufacturer within the State that such manufacturer is permitted for the time being to sell in the course of his intrastate trade or commerce in this State; ^{Quota.}
- “Sell” includes barter and exchange, and “sale” and “sold” have a corresponding meaning; ^{Sell.}
- “This Act”—This Act and all Proclamations, Orders in Council, and regulations thereunder. ^{This Act.}

4. (1.) For the purposes of this Act there shall be constituted in this State a Dairy Products Stabilisation Board (in this Act referred to as the “Board”). The members of such Board shall be appointed by the Governor in Council by Order in Council published in the *Gazette*. ^{Dairy Products Board.}

(2.) The Board shall consist of such number of members as may be from time to time prescribed. ^{Constitution.}

(3.) For the purposes of the constitution of the first Board under this Act, the Governor in Council may by Order in Council appoint as a Board the members of the Butter Board constituted under **“The Primary Producers’ Organisation and Marketing Acts, 1926 to 1932,”* in office at the commencement of this Act, and the members of the Cheese Board constituted under such ^{First Board.}

* 17 Geo. V. No. 20 and amending Acts, *supra*, pages 11659 *et seq.*

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lastmentioned Acts in office at the commencement of this Act, or such members from each Board in office at the commencement of this Act as the Governor in Council may by Order in Council so direct.

Tenure of
office.

(4.) The members of the first Board shall be appointed for such time, not exceeding three years, as the Governor in Council shall, in the Order in Council appointing same, so direct.

The members of the second or any subsequent Board shall hold office for a period not exceeding three years from the date of their appointment or election.

Future
Boards.

(5.) Notwithstanding anything contained in this Act, the Governor in Council may from time to time make regulations for the constitution of any Board other than the first Board, whether such members shall be appointed without nomination or on the nomination of any prescribed body or organisation or association of persons, or appointed after election of the whole of the members or the election of any prescribed number of members, and the appointment with or without nomination of the remaining members; the filling of vacancies on the Board; the conduct of any such election by post or otherwise; the compilation and revision of rolls of persons entitled to vote at such election; the method of determining the qualification of voters at such election, and the making of such list conclusive evidence of the title to vote at any such election.

Disqualifica-
tion.

(6.) Any person who has his affairs under liquidation or is an uncertificated or undischarged bankrupt or insolvent, or has been convicted of an indictable offence or is undergoing sentence of imprisonment, or becomes an insane person shall be disqualified from being appointed or elected or from continuing as a member of the Board.

Chairman
and vice-
chairman.

(7.) The Governor in Council shall appoint a member to be chairman of the Board; the Board shall appoint a member thereof to be vice-chairman.

Absence
of the
chairman.

(8.) In the absence at a meeting of the chairman or in the event of a vacancy in the office of chairman, the vice-chairman shall preside at the Board and shall during such absence or vacancy have and exercise the duties and functions of the chairman.

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(9.) In the absence at a meeting of the chairman and vice-chairman, the Board shall elect a member of the Board to act as chairman for the meeting. Absence of chairman and vice-chairman.

(10.) During any vacancy in the office of any member the continuing members of the Board shall act as if no such vacancy existed : Vacancies.

Provided that where any member is appointed to fill any vacancy, the successor appointed to fill the vacancy shall be appointed for the remainder of the term of office of the member to whose office he is appointed.

(11.) The office of member of the Board shall be vacated— Vacation of office.

(a) If he is or has become disqualified under this Act ; or

(b) If without leave obtained from the Board in that behalf, he has been absent from more than three consecutive meetings of the Board ;
or

(c) Upon death or resignation.

(12.) Any member may resign his office as a member by notification in writing to the chairman of the Board, who shall submit such resignation to the Governor in Council for acceptance. Resignation.

5. (1.) The Board shall be a body corporate under the name and style of the “ Queensland Dairy Products Stabilisation Board,” and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, and disposing of real and personal property. Nature of the Board to be a body corporate.

(2.) All courts, judges, and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice, and shall presume that it was duly affixed.

6. The Board may appoint a secretary and such officers as are necessary to assist the Board in carrying out its functions, duties, and authorities under this Act. Appointment of officers.

7. The remuneration of the secretary and other officers appointed under this Act, and all other expenses of and incidental to the administration of this Act, shall be paid by the Board out of its funds. Funds of Board.

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Board
may levy
contribution.

8. (1.) There shall be payable to the Board by every manufacturer an equitable contribution towards the cost of defraying the expenditure involved in the administration of this Act and of carrying out the duties and functions of the Board thereunder or pursuant or incidental thereto. Such contribution shall be on the basis, at the times, and in the manner prescribed.

(2.) Any contribution unpaid may be recovered from the manufacturer by the Board as a debt in any court of competent jurisdiction.

Board may
promulgate
quota.

9. Subject to this Act, the Board shall from time to time promulgate a quota. The quotas promulgated by the Board shall be upon the basis of the quota determined by the Minister for Commerce of the Commonwealth of Australia, or such other Minister of State of the Commonwealth as may for that purpose be appointed from time to time by the Governor-General.

The quota shall be promulgated by public notice so soon as notice of the Minister's determination shall have been received by the Board, and shall remain in force until a subsequent quota shall be promulgated by the Board.

Certain sales
prohibited.

10. No manufacturer shall sell in the course of intrastate trade or commerce within the State of Queensland dairy products manufactured by him in excess of the quota for the time being in force.

Any manufacturer offending against the provisions of this section shall be liable to a penalty not exceeding five hundred pounds.

Board may
enter into
certain
contracts.

11. The Board shall have power to enter into contracts or arrangements with Boards appointed under legislation in other States, with objects similar or of like nature or principle to those of this Act, for the purpose of carrying such objects into effect and for purposes incidental thereto, and the Board shall have power to enter into any such contracts or arrangements with such Boards for or on behalf of any manufacturer.

Board may
require
returns.

12. The Board may by a public notice require all or any persons, having within a locality therein mentioned any dairy products owned by them or in their disposal or under their control, during the period or at the time

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specified in the notice for the purposes of trade or sale, to make returns of such dairy products within the time specified in the notice. If any person to whom such a notice applies neglects or refuses to make such a return within the specified time he shall be liable to a penalty not exceeding one hundred pounds.

13. The Board may, from time to time, either Exemptions. generally or in such cases and on such terms and conditions as it may deem fit or as may be prescribed or approved by the Minister, grant such exemptions in respect of any matter or thing under this Act which the Board may deem expedient so to grant.

The Board may at any time by notification in the *Gazette* revoke any such exemption.

14. The Board may exercise any such powers as Board may exercise certain powers. are conferred upon it by or under any Act of Parliament of the Commonwealth of Australia relating to dairy products.

15. No action, claim, or demand whatsoever shall Indemnity. lie or be made or allowed by or in favour of any person whomsoever against His Majesty, or the Crown, or the Minister, or the Board, or any member thereof, or any officer or person acting in the execution of this Act for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of the passing of this Act or of its operation, or anything done or purporting to be done under this Act.

16. (1.) For the purpose of ascertaining whether Inspection of books, &c. any offence against this Act or the regulations has been committed, any officer of the Board, or any person authorised by the Board or the Minister in that behalf, either generally or in any particular case, may at any reasonable time enter any premises and inspect any books, accounts, registers, documents, or writings in or upon such premises relating to any transaction in connection with dairy produce, and may take copies thereof or of any entries therein.

(2.) Any person who obstructs, hinders, prevents, or interferes with any officer or person so authorised, or who, when requested so to do, refuses or neglects to produce such books, accounts, registers, documents, or writings, shall be liable on conviction to a penalty not exceeding one hundred pounds.

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Accounts of
receipts and
disburse-
ments to be
kept.

17. The Board shall cause true and regular accounts to be kept of all sums of money received and paid for or on account of this Act or pursuant thereto, and of the several purposes for which sums of money have been received and paid.

Statements of accounts shall be exhibited at such places and at such times as may be prescribed.

Such accounts shall be audited by the Auditor-General, who shall have with respect to such accounts all the powers conferred on him by **“The Audit Acts, 1874 to 1906.”*

Power of
Minister to
call for
reports in
respect of
accounts, &c.

18. Notwithstanding anything to the contrary contained in this Act or any law to the contrary, it shall be lawful for the Minister at any time and from time to time to call upon the Board by notice in writing under his hand or under the hand of the Under Secretary, Department of Agriculture and Stock, addressed to the chairman or secretary or other governing or executive officer for the time being of the Board, for a report or information in relation to the finances generally of the Board, or in relation to any matter or thing in relation to revenue or expenditure, or any particular item or items of revenue or expenditure, or in respect of any matter or thing concerning the administration of the Board generally; and it shall be the duty of such chairman or secretary or other governing or executive officer of the Board to furnish to the Minister, or to the Under Secretary as aforesaid, a full, true, and complete report or information desired by him.

Any omission, neglect, or failure on the part of any such chairman or secretary or other governing or executive officer of the Board to comply with the provisions of this section shall be deemed to be an offence under the provisions of this section, and shall on conviction render the offender liable to a penalty not exceeding one hundred pounds, to be recovered in a summary way by complaint under the provisions of †*“The Justices Acts, 1886 to 1932.”*

The provisions of this section shall take effect whether any audit of the books and accounts of the Board has been made or not.

* 38 Vic. No. 12 and amending Acts, *supra*, pages 74 *et seq.*

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

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19. (1.) Any person who is guilty of an offence against, or of a contravention of, this Act, or who neglects or fails to comply with any provision thereof for which no specific penalty is in this Act provided, shall be liable to a penalty not exceeding twenty pounds.

General
penalty.

(2.) All penalties incurred for any offence against this Act, or any fees imposed by this Act, may be recovered in a summary way under **"The Justices Acts, 1886 to 1932."*

Summary
proceedings.

(3.) All penalties recovered under this Act shall be paid to the Board and become part of its funds.

Penalties
to go to
funds of
Board.

20. (1.) Any information, complaint, or other legal proceeding under this Act may be laid, made, and taken in the name of the Board by the secretary or by any other officer of the Board duly authorised in that behalf, either generally or in any particular case.

Information,
complaints,
&c.

(2.) In any proceedings for an alleged offence against this Act it shall not be necessary to prove the appointment of the secretary or other authorised officer, or the authority of the secretary or other authorised officer, to lay the complaint or to take the proceedings or to do any act or to give any direction or issue or serve any notice.

Evidence.

(3.) The secretary or other authorised officer may, out of the funds of the Board, be reimbursed all damages, costs, charges, and expenses to which he is put or with which he becomes chargeable by reason of anything contained in subsection one of this section.

Reimburse-
ment of
secretary,
&c.

21. No act or proceeding purporting to be authorised by the Board shall be held to be invalid by reason that the Board was not properly constituted, or by reason of any invalidity or irregularity in the appointment or election (as the case may be) of any member or members of the Board.

When acts
of Board not
invalid.

22. Where, after the passing of this Act, any circumstances may from time to time arise whereby it shall appear to the Governor in Council (for the purpose of giving full effect to the objects and purposes of this Act, or for the proper stabilisation of dairy products),

Orders in
Council;
general
powers.

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

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that any amendment, alteration, addition, or modification of this Act shall be deemed desirable, necessary, or convenient, the Governor in Council may, from time to time, by Order in Council published in the *Gazette*, make any such amendment, alteration, addition, or modification of this Act as may be so deemed desirable, necessary, or convenient accordingly; and the provisions of section twenty-four of this Act shall apply and extend to any such Order in Council made under this section accordingly.

Regulations.

23. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

Without limiting the generality of these provisions, such regulations may provide for all or any of the following matters:—

- (a) The constitution of the Board and the appointment of members thereof; if necessary the election of the members or a prescribed number of members; the filling of vacancies; the provision of deputies for members of the Board; committees of the Board; the business, proceedings, meetings, voting (including, if necessary, the casting vote of the chairman), and procedure of the Board; the quorum of meetings; the signing of documents.
- (b) The promulgation of a quota and all matters and things relative thereto.
- (c) The co-operation of the Board with Boards appointed by other States under an Act similar or of a like nature or principle to this Act.
- (d) The registration and deregistration of manufacturers of dairy products.

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- (e) The registration of agents and dealers in dairy products, and other persons whom it may be deemed to be desirable to register, and the deregistration of same.

The term "dealer" means any person who purchases dairy products for the purposes of re-sale.

- (f) The appointment by the Board of members of the Board, or any committees thereof, to represent it in consultation with the Board having the control or supervision of dairy products in other States, or with the Minister for Commerce or other Minister of State for the Commonwealth.
- (g) Prescribing the furnishing of information or returns relating to dairy products; the form of returns, and the contents thereof, and the persons (whether manufacturers or not) by whom the same shall be made, and the time and mode of furnishing the same.
- (h) The burden of proof in any prosecution under this Act or regulations.
- (i) Services of notices.
- (j) The fees and allowances (if any) to members of the Board.
- (k) The granting of exemption in respect of any matter or thing which the Board may deem expedient so to grant; terms, provisions, and conditions in respect of exemptions and the revocation of exemptions.
- (l) The appointment of and duties of the secretary or other officers of the Board, and the remuneration of such officers.
- (m) All matters or things required or permitted by this Act to be prescribed.

(2.) The regulations may fix a penalty, not exceeding in any case twenty pounds, for any breach thereof.

(3.) The regulations may be made on the passing of this Act.

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(4.) All such regulations made or purporting to be made under this Act shall be published in the *Gazette*, and thereupon, subject to subsection seven hereof, shall be of the same effect as if they were contained in this Act and shall be judicially noticed, and their validity shall not be questioned in any proceedings whatsoever.

(5.) Such regulations shall take effect from the date of publication in the *Gazette*, or from a later date to be specified in any such regulations.

(6.) Such regulations shall be laid before Parliament within fourteen sitting days after such publication if Parliament is in session; or, if not, then within fourteen sitting days after the commencement of the next session.

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

(8.) For the purpose of this section, the term "sitting days" shall mean days on which Parliament actually sits for the despatch of business.

Provisions
as to Orders
in Council.

24. (1.) All Orders in Council made under this Act shall be published in the *Gazette*.

The Governor in Council may, by another Order in Council, amend or rescind any such Order in Council.

(2.) No misnomer or inaccurate description or omission in or from any such Order in Council shall in any wise prevent or abridge the operation of this Act with respect to the subject-matter, provided the same is designated so as to be understood.

(3.) All Orders in Council made or purporting to have been made under this Act, upon being published in the *Gazette*, shall have the same force and effect as if they were enacted in this Act and shall be obeyed and shall be judicially noticed, and their validity shall not be questioned in any proceedings whatever.

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Such Orders in Council shall be laid before the Legislative Assembly within fourteen sitting days after such publication if Parliament is in session; or, if not, then within fourteen sitting days after the commencement of the next session.

For the purpose of this subsection, the term "sitting days" shall mean days on which Parliament actually sits for the despatch of business.

25. The provisions of this Act shall continue in force for a period of three years from the date of the commencement of this Act. ^{Duration of Act.}

DAWSON VALLEY IRRIGATION.

See WATER.

DENTISTS.

See MEDICAL.
